

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 FARAH JEAN FRANCOIS,

6 PLAINTIFF,

7 -against-

8 Case No.:

9 1:22-cv-4447-JSR

10 VICTORY AUTO GROUP LLC d/b/a
11 VICTORY MITSUBISHI,
12 SPARTAN AUTO GROUP LLC d/b/a
13 VICTORY MITSUBISHI,
14 STAVROS ORSARIS,
15 YESSICA VALLEJO,
16 DAVID PEREZ,
17 DIANE ARGYROPOULOS, AND
18 PHILIP ARGYROPOULOS,

19 DEFENDANTS .

20 -----X

21 DATE: November 22, 2022

22 TIME: 11:00 A.M.

23 VIRTUAL DEPOSITION of the Plaintiff,
24 FARAH JEAN FRANCOIS, taken by the
25 Defendant, pursuant to a Notice and to the
Federal Rules of Civil Procedure, held at
the above date and time, before Victoria
Chumas and Sophia Toribio, Notaries Public
of the State of New York.

<p style="text-align: right;">Page 2</p> <p>1 2 APPEARANCES: 3 4 THE LAW OFFICE OF AHMAD KESHAVARZ Attorneys for the Plaintiff 5 FARAH JEAN FRANCOIS 16 Court Street, Suite 2600 6 Brooklyn, New York 11241 BY: AHMAD KESHAVARZ, ESQ. 7 ahmad@newyorkconsumerattorney.com 8 9 NICHOLAS GOODMAN & ASSOCIATES, PLLC Attorneys for the Defendants VICTORY AUTO GROUP LLC d/b/a 10 VICTORY MITSUBISHI, SPARTAN AUTO GROUP LLC d/b/a 11 VICTORY MITSUBISHI, STAVROS ORSARIS, 12 YESSICA VALLEJO, DAVID PEREZ, 13 DIANE ARGYROPOULOS, AND PHILIP ARGYROPOULOS 14 333 Park Avenue South, Suite 3A New York, New York 10010 15 BY: H. NICHOLAS GOODMAN, ESQ. ngoodman@ngoodmanlaw.com 16 17 ALSO PRESENT: 18 PATRICK L. SELVEY, JR., ESQ. with Nicholas Goodman & Associates 19 20 21 * * * 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 F. FRANCOIS 2 FARAH JEAN FRANCOIS, 3 called as a witness, having been first duly 4 sworn by a Notary Public of the State of 5 New York, was examined and testified as 6 follows: 7 THE COURT REPORTER: Please 8 state your name for the record. 9 A. Farah Jean Francois. 10 THE COURT REPORTER: What is 11 your address? 12 A. 719 West 180th Street, New 13 York, New York 10033. 14 EXAMINATION BY 15 MR. GOODMAN: 16 Q. Good morning, Ms. Francois. My 17 name is Nicholas Goodman. I represent the 18 defendants in the lawsuit that you 19 commenced. I will be asking you a series 20 of questions today. Have you ever 21 testified at a deposition before? 22 A. No. 23 Q. Have you ever testified in a 24 courtroom before? 25 A. No.</p>
<p style="text-align: right;">Page 3</p> <p>1 2 FEDERAL STIPULATIONS 3 4 IT IS HEREBY STIPULATED AND AGREED by and 5 between the counsel for the respective 6 parties herein that the sealing, filing and 7 certification of the within deposition be 8 waived; that the original of the deposition 9 may be signed and sworn to by the witness 10 before anyone authorized to administer an 11 oath, with the same effect as if signed 12 before a Judge of the Court; that an 13 unsigned copy of the deposition may be used 14 with the same force and effect as if signed 15 by the witness, 30 days after service of 16 the original & 1 copy of same upon counsel 17 for the witness. 18 19 IT IS FURTHER STIPULATED AND AGREED that 20 all objections except as to form, are 21 reserved to the time of trial. 22 23 * * * * 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 F. FRANCOIS 2 Q. Have you ever testified under 3 oath in any circumstances before? 4 A. No. 5 Q. Have you ever sued anyone 6 before this case? 7 A. No. 8 Q. Has anyone ever sued you before 9 this case? 10 A. No. 11 Q. Or presently? 12 A. No. 13 Q. Just, the court reporter went 14 over an important rule about letting me 15 finish asking the question before you start 16 answering because she can't take two people 17 at the same time. 18 Another important rule is that 19 if there is anything that you do not 20 understand about the question that I asked, 21 it is very important that you tell us that 22 you did not understand, okay? Do you 23 understand that? 24 A. Yes, correct. 25 Q. If I ask a question and you</p>

<p style="text-align: right;">Page 6</p> <p>1 F. FRANCOIS</p> <p>2 answer and you did not say that you did not</p> <p>3 understand, do you agree it would be fair</p> <p>4 to assume that you did understand the</p> <p>5 question?</p> <p>6 MR. KESHAVARZ: Objection to</p> <p>7 form.</p> <p>8 Q. You can answer. You can</p> <p>9 answer the question.</p> <p>10 MR. KESHAVARZ: When I say</p> <p>11 "objection to form," you do not have</p> <p>12 to worry about what that means. You</p> <p>13 can go ahead and answer the question,</p> <p>14 unless I tell you not to answer.</p> <p>15 So I made an objection to the</p> <p>16 form, and you can go ahead and answer</p> <p>17 the question.</p> <p>18 A. Okay. Thank you.</p> <p>19 MR. GOODMAN: Can you read back</p> <p>20 the question, please, Ms. Court</p> <p>21 Reporter?</p> <p>22 (Whereupon, the referred to</p> <p>23 question was read back by the</p> <p>24 Reporter.)</p> <p>25 MR. KESHAVARZ: Objection,</p>	<p style="text-align: right;">Page 8</p> <p>1 F. FRANCOIS</p> <p>2 A. It was in 2013, November of</p> <p>3 2013, yes.</p> <p>4 Q. And what is your current</p> <p>5 citizenship status?</p> <p>6 A. Resident. I have my green</p> <p>7 card.</p> <p>8 Q. Okay. What is the date you got</p> <p>9 your green card?</p> <p>10 A. I got my green card last year.</p> <p>11 Q. What was your status before</p> <p>12 that?</p> <p>13 MR. KESHAVARZ: Objection,</p> <p>14 form.</p> <p>15 A. I had a work authorization,</p> <p>16 just to work in the United States.</p> <p>17 Q. Work authorization. Did you</p> <p>18 have any specific visa status?</p> <p>19 A. Yes, I had visa. I had visa.</p> <p>20 Q. Okay. When you arrived in the</p> <p>21 United States in November of 2013, have you</p> <p>22 stayed in the United States ever since</p> <p>23 then?</p> <p>24 A. Yeah.</p> <p>25 Q. You never went back to Haiti?</p>
<p style="text-align: right;">Page 7</p> <p>1 F. FRANCOIS</p> <p>2 form.</p> <p>3 Q. Go ahead, you can answer.</p> <p>4 A. Yes.</p> <p>5 Q. Are you on any medications</p> <p>6 today that might affect your ability to</p> <p>7 testify accurately?</p> <p>8 A. No.</p> <p>9 Q. Have you had any alcohol in the</p> <p>10 last 24 hours, drank any alcohol?</p> <p>11 A. No.</p> <p>12 Q. Okay. Smoke any marijuana?</p> <p>13 A. No, none of them.</p> <p>14 Q. Any illegal drugs in the last</p> <p>15 24 hours?</p> <p>16 A. No.</p> <p>17 Q. Okay. Where were you born Ms.</p> <p>18 Francois?</p> <p>19 A. I was born in Haiti.</p> <p>20 Q. What is your native language?</p> <p>21 A. French.</p> <p>22 Q. Would that be French Creole.</p> <p>23 A. Yeah, French Creole.</p> <p>24 Q. Okay. And when did you first</p> <p>25 arrive in the United States?</p>	<p style="text-align: right;">Page 9</p> <p>1 F. FRANCOIS</p> <p>2 A. I went to visit this year,</p> <p>3 yeah. It was in February.</p> <p>4 Q. Okay. Had you ever been in the</p> <p>5 United States before November of 2013?</p> <p>6 A. I'm sorry. Say that again.</p> <p>7 Q. Have you been to the United</p> <p>8 States before November of 2013?</p> <p>9 A. Yes, I come to visit two times</p> <p>10 before I decided to stay.</p> <p>11 Q. Okay. And when you arrived,</p> <p>12 you arrived in the United States on</p> <p>13 November 7, 2013?</p> <p>14 A. Yes.</p> <p>15 Q. And, in fact, you arrived at</p> <p>16 Kennedy Airport?</p> <p>17 A. Yes.</p> <p>18 Q. And you were arrested at</p> <p>19 Kennedy Airport, correct?</p> <p>20 MR. KESHAVARZ: Objection to</p> <p>21 form.</p> <p>22 A. Yes.</p> <p>23 Q. And you had nine-and-a-half</p> <p>24 kilograms of cocaine in your bag at the</p> <p>25 time?</p>

<p style="text-align: right;">Page 10</p> <p>1 F. FRANCOIS</p> <p>2 MR. KESHAVARZ: Objection to</p> <p>3 form.</p> <p>4 A. My friend had the suitcase.</p> <p>5 The case was dismissed, it was not mine.</p> <p>6 Q. That was not your bag?</p> <p>7 A. No. This is the reason they</p> <p>8 dismissed the case.</p> <p>9 Q. Have you ever been convicted of</p> <p>10 a crime?</p> <p>11 A. Never.</p> <p>12 Q. The address you gave on 719</p> <p>13 West 180th Street, how long have you lived</p> <p>14 at that address?</p> <p>15 A. I just have like six months</p> <p>16 living here. It is my aunt's. She just</p> <p>17 had her husband dead. Her husband died.</p> <p>18 And I just come here and move in at --</p> <p>19 (Indiscernible.)</p> <p>20 Q. Wait. Say that again, please.</p> <p>21 A. 145 West 111th Street, New</p> <p>22 York, New York, Apartment 8.</p> <p>23 Q. So your testimony is that you</p> <p>24 have been staying at the address on</p> <p>25 West 180th Street for six --</p>	<p style="text-align: right;">Page 12</p> <p>1 F. FRANCOIS</p> <p>2 I moved to my husband, finally moved to my</p> <p>3 husband, this is where I used to live. And</p> <p>4 I am still living here.</p> <p>5 Q. Okay. Where do you receive</p> <p>6 mail?</p> <p>7 A. My mail?</p> <p>8 MR. KESHAVARZ: Objection to</p> <p>9 form.</p> <p>10 A. Now I receive my mail at 145</p> <p>11 where I am living.</p> <p>12 Q. How long have you lived there?</p> <p>13 A. Since I come to America, I was</p> <p>14 living there. And when I get married in</p> <p>15 2018, I moved with my husband in Brooklyn.</p> <p>16 Q. In Brooklyn?</p> <p>17 A. Yes.</p> <p>18 Q. Currently, who do you live</p> <p>19 with, who resides at 145 West 111th?</p> <p>20 A. My uncle's mom, my grand auntie</p> <p>21 live in there, and my other uncle live</p> <p>22 there.</p> <p>23 Q. What are there names, please?</p> <p>24 A. My uncle, Papito Momplaisir.</p> <p>25 Q. Spell that for the court</p>
<p style="text-align: right;">Page 11</p> <p>1 F. FRANCOIS</p> <p>2 A. Because I am a nurse and my</p> <p>3 auntie, she is sick, and I am taking care</p> <p>4 of her.</p> <p>5 Q. You have to let me finish</p> <p>6 first. That's one of those rules.</p> <p>7 A. Okay.</p> <p>8 Q. Prior to staying with your aunt</p> <p>9 at West 180th Street you were living at 145</p> <p>10 West 111th, is that your testimony?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And what is your aunt's name?</p> <p>13 A. Say that again.</p> <p>14 Q. The name of your aunt?</p> <p>15 A. Jidal Anicette.</p> <p>16 Q. Can you spell that for the</p> <p>17 court reporter, please?</p> <p>18 A. Jidal, J-I-D-A-L, Anicette,</p> <p>19 A-N-I-C-E-T-T-E.</p> <p>20 Q. And the other address you just</p> <p>21 gave us, 145 West 111th Street, how long</p> <p>22 did you live there?</p> <p>23 Are you saying that is actually</p> <p>24 your current address?</p> <p>25 A. Since I came to America, before</p>	<p style="text-align: right;">Page 13</p> <p>1 F. FRANCOIS</p> <p>2 Reporter.</p> <p>3 A. Papito, P-A-P-I-T-O, last name</p> <p>4 Momplaisir, M-O-M-P-L-A-I-S-I-R.</p> <p>5 Q. Okay. Now you said there is</p> <p>6 another uncle that lives there?</p> <p>7 A. Yes. My other uncle is living</p> <p>8 there.</p> <p>9 Q. What is his name?</p> <p>10 A. Gregory, G-R-E-G-O-R-Y, last</p> <p>11 name Momplaisir, M-O-M-P-L-A-I-S-I-R.</p> <p>12 Q. Okay. And then I think you</p> <p>13 said a third person lives there?</p> <p>14 A. Yeah. It is my grandmother.</p> <p>15 Q. From the time you arrived in</p> <p>16 the United States, you lived at that</p> <p>17 address November 2013 at 145 West 111th,</p> <p>18 and you lived there straight through until</p> <p>19 2018 when you got married and you moved to</p> <p>20 Farragut --</p> <p>21 A. Yes, correct.</p> <p>22 Q. And then when did you move out</p> <p>23 of Farragut Road and back to 145</p> <p>24 West 111th?</p> <p>25 A. I moved -- I moved definitely</p>

<p style="text-align: right;">Page 14</p> <p>1 F. FRANCOIS</p> <p>2 moved there in 2020.</p> <p>3 Q. You moved out of there, out of</p> <p>4 Farragut Road in 2020?</p> <p>5 A. Yes.</p> <p>6 Q. What month?</p> <p>7 A. It was December or November.</p> <p>8 I don't really remember which month it was.</p> <p>9 Q. Okay. I am going to ask you</p> <p>10 some more about that later.</p> <p>11 Let's go to that Farragut Road</p> <p>12 address when you moved in there in 2018.</p> <p>13 Do you remember the month of</p> <p>14 the year that you moved?</p> <p>15 A. Yes, it was after my birthday.</p> <p>16 Q. So that's sometime after</p> <p>17 May 30th of that year?</p> <p>18 A. It was May 31, 2018.</p> <p>19 Q. Okay. Who lived there when you</p> <p>20 moved in there?</p> <p>21 A. My husband, his mom, his dad,</p> <p>22 his grandma. His grandmother lived on the</p> <p>23 first floor with her auntie. And then when</p> <p>24 I moved there, grandfather was living</p> <p>25 there. He was living there with his</p>	<p style="text-align: right;">Page 16</p> <p>1 F. FRANCOIS</p> <p>2 all of his family was there because after I</p> <p>3 had a big fight with my husband about what</p> <p>4 he did, and then his family. And then</p> <p>5 after that I was scared because he was</p> <p>6 telling me it was not going to stay like</p> <p>7 that.</p> <p>8 MR. KESHAVARZ: Just one</p> <p>9 second.</p> <p>10 (Whereupon, an off-the-record</p> <p>11 discussion was held.)</p> <p>12 Q. You used the words, and you</p> <p>13 will correct me if I am wrong, "it's not</p> <p>14 going to stay like that." What did you</p> <p>15 mean by that?</p> <p>16 A. Because I was telling my</p> <p>17 father-in-law that I have to go to the</p> <p>18 police because he has been -- he never told</p> <p>19 me how he got my social, and I said I have</p> <p>20 to go to the police for that. And he said</p> <p>21 if I go to the police and he gets arrested,</p> <p>22 it is not going to stay like that.</p> <p>23 Even my husband and my</p> <p>24 grandfather-in-law was agreeing to go back</p> <p>25 to my uncle. Since he was living in the</p>
<p style="text-align: right;">Page 15</p> <p>1 F. FRANCOIS</p> <p>2 grandma on the first floor. His auntie</p> <p>3 also lived on the first floor. And another</p> <p>4 auntie on the second floor.</p> <p>5 And we lived with his mom. It</p> <p>6 was three bedroom. And his mom was close</p> <p>7 to the kitchen. And my husband and I was</p> <p>8 in the second one. And the last room in</p> <p>9 the corner was Emmanuel Laforest room.</p> <p>10 Q. Emmanuel Laforest?</p> <p>11 A. Yes.</p> <p>12 Q. That is your husband's brother?</p> <p>13 A. Yes.</p> <p>14 Q. And so he had a bedroom in that</p> <p>15 house, correct, Emmanuel Laforest?</p> <p>16 A. He had a bedroom. Like he</p> <p>17 never had a bedroom. We was planning to</p> <p>18 rent the room. Since I moved in, I never</p> <p>19 met him. He was coming at 2:00 a.m.,</p> <p>20 3:00 a.m. in the morning; he was already</p> <p>21 gone.</p> <p>22 Q. When you moved out in late</p> <p>23 2020, as you said, who lived in that</p> <p>24 address, at that address on Farragut Road?</p> <p>25 A. It was still his mom, his dad,</p>	<p style="text-align: right;">Page 17</p> <p>1 F. FRANCOIS</p> <p>2 street, they do not know what he was going</p> <p>3 to do with me when I come back in after</p> <p>4 work.</p> <p>5 Q. You said something about living</p> <p>6 in the street. Who was living in the</p> <p>7 street?</p> <p>8 A. Basically, we say that he was</p> <p>9 living in the street because he was never</p> <p>10 in the house. He never come in the house.</p> <p>11 We never saw him. If you ask him if he saw</p> <p>12 me when he was there, he will tell you no.</p> <p>13 He was not in our wedding or anything.</p> <p>14 Q. Who, you are talking about,</p> <p>15 Emmanuel Laforest?</p> <p>16 A. Yes.</p> <p>17 Q. So you had a fight with your</p> <p>18 husband. What is your husband's name?</p> <p>19 A. I was fighting with my husband</p> <p>20 because that's not the first time -- when</p> <p>21 my husband was explaining to me that was</p> <p>22 not the first time he did that to someone,</p> <p>23 and he was one that was paying.</p> <p>24 And then I said to my husband</p> <p>25 how could you keep it to you. Emmanuel</p>

<p style="text-align: right;">Page 18</p> <p>1 F. FRANCOIS</p> <p>2 needs to be in jail. He could kill someone</p> <p>3 and they would think it is me because the</p> <p>4 card, it is in my name.</p> <p>5 MR. GOODMAN: I will move to</p> <p>6 strike the non-responsive portion.</p> <p>7 Q. My question is, what was your</p> <p>8 husband's name?</p> <p>9 A. Stanley Laforest.</p> <p>10 Q. And so when you were married on</p> <p>11 -- when were you married? What is the</p> <p>12 date?</p> <p>13 A. June 14, 2018.</p> <p>14 Q. Okay. And are you now</p> <p>15 divorced?</p> <p>16 A. No, we are still married. We</p> <p>17 are trying to build our relationship. He</p> <p>18 was trying.</p> <p>19 Q. Have you seen a lawyer, either</p> <p>20 one of you seen a lawyer about the</p> <p>21 situation?</p> <p>22 A. He want me to do that, but it</p> <p>23 just like, I don't believe in telling other</p> <p>24 people our story. We can just figure out</p> <p>25 our stuff by ourself.</p>	<p style="text-align: right;">Page 20</p> <p>1 F. FRANCOIS</p> <p>2 guy comes to deliver for us. Sometimes</p> <p>3 they give to grandma. Sometimes it is</p> <p>4 little box that's very small he put it.</p> <p>5 But if it was in the morning he give it to</p> <p>6 grandma or grandpa if they was there.</p> <p>7 Q. That little box, did it have a</p> <p>8 lock on it?</p> <p>9 A. No.</p> <p>10 Q. Okay. Did you receive mail</p> <p>11 addressed to you at that address?</p> <p>12 MR. KESHAVARZ: Objection,</p> <p>13 form.</p> <p>14 Q. You can answer.</p> <p>15 A. Yeah, my driver's license, all</p> <p>16 of my things is there. Still have the</p> <p>17 address and everything.</p> <p>18 Q. All right. Did you -- do you</p> <p>19 have any children?</p> <p>20 A. No, I am just pregnant.</p> <p>21 Q. You are pregnant now?</p> <p>22 A. Yes.</p> <p>23 Q. Congratulations.</p> <p>24 A. Thank you so much.</p> <p>25 Q. If I can ask, who is the</p>
<p style="text-align: right;">Page 19</p> <p>1 F. FRANCOIS</p> <p>2 Q. So let's go back to that</p> <p>3 address on Farragut Road. I think you</p> <p>4 described three different floors or levels</p> <p>5 in the house?</p> <p>6 A. It is three floors.</p> <p>7 Q. Is it like a brownstone?</p> <p>8 A. It is a house, but house is</p> <p>9 three floors. It is no elevator. It is</p> <p>10 stairs. You go to grandma, then auntie,</p> <p>11 then the last one you go to us.</p> <p>12 Q. And is there anybody, other</p> <p>13 than that group of people you described</p> <p>14 that was living in that same building if</p> <p>15 it's a different entrance or --</p> <p>16 A. No. Only one entrance.</p> <p>17 MR. KESHAVARZ: Objection to</p> <p>18 form. Go ahead.</p> <p>19 Q. You can answer.</p> <p>20 A. Only one entrance is that.</p> <p>21 Q. Okay. And was there a mailbox</p> <p>22 at that building?</p> <p>23 A. Yes.</p> <p>24 Q. Where was the mailbox?</p> <p>25 A. The mailbox is just one. The</p>	<p style="text-align: right;">Page 21</p> <p>1 F. FRANCOIS</p> <p>2 father; is it Stanley?</p> <p>3 A. Can I speak to my lawyer first?</p> <p>4 MR. KESHAVARZ: Do you need to</p> <p>5 ask?</p> <p>6 Q. What did you say before that?</p> <p>7 A. Say that again.</p> <p>8 Q. You gave an answer before your</p> <p>9 lawyer said anything.</p> <p>10 A. I said, I need to speak to my</p> <p>11 lawyer.</p> <p>12 MR. KESHAVARZ: Do you need to</p> <p>13 go into this? It's personal.</p> <p>14 Q. How many months pregnant are</p> <p>15 you?</p> <p>16 A. I just turned six months today.</p> <p>17 Q. Can you tell us Stanley</p> <p>18 Laforest's date of birth?</p> <p>19 A. Definitely. He is born on</p> <p>20 REDACTED t one year before me.</p> <p>21 Q. Where does he live now?</p> <p>22 A. Still living in Brooklyn.</p> <p>23 Q. Same address, Farragut Road?</p> <p>24 A. No, he is not living there.</p> <p>25 Q. Do you know his current</p>

<p style="text-align: right;">Page 22</p> <p>1 F. FRANCOIS</p> <p>2 address?</p> <p>3 A. He is living with his friend</p> <p>4 now. We are trying to get everything back</p> <p>5 to do our stuff.</p> <p>6 Q. What is the address, the street</p> <p>7 address where he lives now?</p> <p>8 A. He is living in Canarsie.</p> <p>9 Q. Do you know the street address?</p> <p>10 A. Canarsie.</p> <p>11 Q. Do you know the name of the</p> <p>12 street or the building?</p> <p>13 A. No, because most of the time he</p> <p>14 is coming here. I do not go to Brooklyn.</p> <p>15 Q. He comes to you in Manhattan?</p> <p>16 A. Yeah. And he is in school,</p> <p>17 also, too.</p> <p>18 Q. When is the last time you saw</p> <p>19 him?</p> <p>20 A. Last time it was on Saturday.</p> <p>21 We went to my goddaughter's birthday.</p> <p>22 Q. Okay. Up until the time you</p> <p>23 came to the United States, you lived in</p> <p>24 Haiti; is that correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 24</p> <p>1 F. FRANCOIS</p> <p>2 Q. When was that?</p> <p>3 A. I don't remember.</p> <p>4 Q. Okay.</p> <p>5 A. I don't remember when I got my</p> <p>6 permit, and then my license. I really</p> <p>7 don't remember.</p> <p>8 Q. Okay. And when did -- well,</p> <p>9 when did you first get a license, not a</p> <p>10 learner's permit, but an actual driver's</p> <p>11 license?</p> <p>12 A. It did not take me long to get</p> <p>13 the driver's license after I got my permit</p> <p>14 because after I passed, then I went to</p> <p>15 driving school and take some class, some</p> <p>16 learning. And then after that, I go take</p> <p>17 the test and pass. I don't remember.</p> <p>18 Q. If I told you it was 2016,</p> <p>19 would that refresh your recollection?</p> <p>20 A. I think so, something like</p> <p>21 that, '16.</p> <p>22 Q. Okay. So did there come a time</p> <p>23 that you applied for a new driver's license</p> <p>24 from the State of New York in 2020 or maybe</p> <p>25 late 2019?</p>
<p style="text-align: right;">Page 23</p> <p>1 F. FRANCOIS</p> <p>2 Q. Okay. What town in Haiti was</p> <p>3 it?</p> <p>4 A. I used to live in Delmas, 95</p> <p>5 Street.</p> <p>6 Q. Is that Port-au-Prince?</p> <p>7 A. Yes, Port-au-Prince.</p> <p>8 Q. Okay. Let me ask you, do you</p> <p>9 have a current New York State driver's</p> <p>10 license?</p> <p>11 A. Yeah, I do have my driver's</p> <p>12 license.</p> <p>13 Q. Do you have it with you?</p> <p>14 A. Yeah.</p> <p>15 Q. Can you read the number into</p> <p>16 the record, the driver's license number?</p> <p>17 A. My driver's license number?</p> <p>18 Q. Yes.</p> <p>19 A. REDACTED</p> <p>20 Q. When did you first obtain --</p> <p>21 strike that.</p> <p>22 Did there come a time that you</p> <p>23 obtained a learner's permit for driving in</p> <p>24 New York?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 25</p> <p>1 F. FRANCOIS</p> <p>2 A. 2020, because my driver's</p> <p>3 license was expired, and I went to</p> <p>4 Department of Motor Vehicles to get a new</p> <p>5 one.</p> <p>6 Q. And the driver's license you</p> <p>7 had before you went to get the new one, it</p> <p>8 was a Class D license, correct?</p> <p>9 A. Yes. It was a Class D license.</p> <p>10 Q. Okay. And the driver's license</p> <p>11 you have now, the one you got in 2020 was a</p> <p>12 Class C license, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Why did you change from Class D</p> <p>15 to Class C?</p> <p>16 A. The reason that I changed to</p> <p>17 Class D, I was planning to do Uber. I was</p> <p>18 planning to do Uber driving with my car</p> <p>19 back then. And then they say to me you</p> <p>20 have to change to do. With Class D you</p> <p>21 can't do it, to work with limousines,</p> <p>22 things like that. You have to get Class E</p> <p>23 [sic], and that is the reason that I</p> <p>24 changed.</p> <p>25 Q. Okay. So you were going to be</p>

<p style="text-align: right;">Page 26</p> <p>1 F. FRANCOIS</p> <p>2 an Uber driver. Did you ever drive for</p> <p>3 Uber or Lift or anything --</p> <p>4 A. No, because the school did not</p> <p>5 give me time. I was in nursing school at</p> <p>6 that time.</p> <p>7 Q. Okay. Did you -- the license</p> <p>8 that you applied for in 2020 when you went</p> <p>9 to change it from D to E, did you receive</p> <p>10 that -- did you actually receive that</p> <p>11 license?</p> <p>12 A. No. They mailed it to me with</p> <p>13 my title. It was both my driver's license</p> <p>14 and my title. And it was in March for</p> <p>15 COVID, which I went there to do it because</p> <p>16 you have to take the appointment online. I</p> <p>17 went there and did it. And they said I</p> <p>18 will receive it by April or May because a</p> <p>19 lot of people have appointments. I never</p> <p>20 received it by July. I went there and said</p> <p>21 I need my title because I can't drive</p> <p>22 without the new title. And they said they</p> <p>23 sent it to me. I know I never received.</p> <p>24 And the woman said, yes, you</p> <p>25 received it with your license. And I said</p>	<p style="text-align: right;">Page 28</p> <p>1 F. FRANCOIS</p> <p>2 Q. Your uncle was about to do</p> <p>3 what?</p> <p>4 A. Was about to give me his car to</p> <p>5 do Uber, and then to do everything with the</p> <p>6 Uber.</p> <p>7 Q. Which uncle was that?</p> <p>8 A. Papito Momplaisir.</p> <p>9 Q. What kind of car did he have?</p> <p>10 A. He has a Toyota.</p> <p>11 Q. Okay. In the Farragut Road</p> <p>12 house, how many, if any, people in that</p> <p>13 house had a car available to them?</p> <p>14 MR. KESHAVARZ: Objection to</p> <p>15 form.</p> <p>16 A. My husband, me -- my husband</p> <p>17 and me.</p> <p>18 Q. So your husband had his own</p> <p>19 car?</p> <p>20 A. Yes, he has his own car.</p> <p>21 Q. What about Emmanuel Laforest?</p> <p>22 MR. KESHAVARZ: Objection to</p> <p>23 form. Go ahead. You can answer.</p> <p>24 A. Emmanuel, I can't tell you</p> <p>25 about his car because I never -- he never</p>
<p style="text-align: right;">Page 27</p> <p>1 F. FRANCOIS</p> <p>2 I did not receive that. And they say said,</p> <p>3 okay, we are going to do another copy to</p> <p>4 you, but definitely we sent it to the</p> <p>5 address.</p> <p>6 Q. And that address was Farragut</p> <p>7 Road?</p> <p>8 A. Yes, correct.</p> <p>9 Q. And you mentioned the title,</p> <p>10 you said you have the title?</p> <p>11 A. Yeah, for my car.</p> <p>12 Q. What title are you referring</p> <p>13 to?</p> <p>14 A. Nissan Rogue 2010. I still</p> <p>15 have it.</p> <p>16 Q. When did you purchase the</p> <p>17 Nissan Rogue 2010?</p> <p>18 A. I purchased that in 2020. It</p> <p>19 was January of 2020.</p> <p>20 Q. And when you were planning to</p> <p>21 be an Uber driver, were you going to drive</p> <p>22 the Nissan Rogue 2010?</p> <p>23 A. No. I was about to drive my</p> <p>24 uncle's car because my uncle was about to</p> <p>25 do that.</p>	<p style="text-align: right;">Page 29</p> <p>1 F. FRANCOIS</p> <p>2 tell me. Ever saw me one day. He was</p> <p>3 never there. Even when his daddy was in</p> <p>4 the hospital, he never come in.</p> <p>5 Q. So while you -- you got that</p> <p>6 car, when did you say? Sorry, the Nissan</p> <p>7 Rogue 2010, you bought in January 2020?</p> <p>8 A. Yeah.</p> <p>9 Q. So you never got -- your</p> <p>10 testimony is you received the driver's</p> <p>11 license, the new driver's license, Class E</p> <p>12 driver's license in the mail, correct?</p> <p>13 A. I never received in my hand,</p> <p>14 but they sent it in the mail.</p> <p>15 Q. Okay. But during the time that</p> <p>16 you were waiting for it to arrive, you</p> <p>17 still had your old driver's license,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. All right. And just tell me</p> <p>21 how -- where did you drive back -- we are</p> <p>22 talking about late 2019 into 2020. How</p> <p>23 were you using your car? I guess you</p> <p>24 bought it January 2020, so --</p> <p>25 A. I did not use the car for 2019,</p>

8 (Pages 26 - 29)

<p style="text-align: right;">Page 30</p> <p>1 F. FRANCOIS</p> <p>2 I was using train from Brooklyn, come to</p> <p>3 42nd Street, and then go to my job because</p> <p>4 I used to work in TD Bank. I used to do</p> <p>5 customer service.</p> <p>6 Q. But as of January 2020, you</p> <p>7 bought the Nissan Rogue, right?</p> <p>8 A. Yes.</p> <p>9 Q. What did you use that car for?</p> <p>10 A. I used the car to go to work,</p> <p>11 go to my house, go to back and forth to</p> <p>12 work, and then for my house.</p> <p>13 Q. Did you say back and forth to</p> <p>14 work?</p> <p>15 A. Work, go to my home. Sometimes</p> <p>16 I go to New Jersey for the school because I</p> <p>17 was in nursing school.</p> <p>18 Q. Okay. So during that time you</p> <p>19 were using the driver's license you had</p> <p>20 since 2016, right?</p> <p>21 A. During this time when I got my</p> <p>22 car, it take me time to do the process to</p> <p>23 do everything for the car. I drive that,</p> <p>24 yes, and by March, yeah, February, March</p> <p>25 because my husband used to drive it before.</p>	<p style="text-align: right;">Page 32</p> <p>1 F. FRANCOIS</p> <p>2 when you said I never got the license, you</p> <p>3 went back in July to get the license, you</p> <p>4 also got a Class E license, correct?</p> <p>5 A. Yes.</p> <p>6 Q. So were you still planning to</p> <p>7 drive for Uber in July of 2020?</p> <p>8 A. Yeah. I was planning to still</p> <p>9 drive for that, yes.</p> <p>10 Q. Okay. But your testimony is</p> <p>11 you never drove for Uber or Lift or any</p> <p>12 other --</p> <p>13 A. No.</p> <p>14 Q. You have to let me finish.</p> <p>15 -- or any other delivery</p> <p>16 services?</p> <p>17 A. No.</p> <p>18 Q. Okay. Can you tell us what</p> <p>19 your highest level of education is?</p> <p>20 A. Associated degree. And now I</p> <p>21 am doing my master.</p> <p>22 Q. From what did you -- from what</p> <p>23 institution did you receive your degree?</p> <p>24 A. Accounting.</p> <p>25 Q. But what school?</p>
<p style="text-align: right;">Page 31</p> <p>1 F. FRANCOIS</p> <p>2 Q. I am talking about the driver's</p> <p>3 license, your license you drove with when</p> <p>4 you went out to drive to New Jersey or</p> <p>5 drive to work and back. You had the</p> <p>6 license that you got in 2016, correct?</p> <p>7 A. Yeah, I got the license in</p> <p>8 2016, yeah.</p> <p>9 Q. So if you -- strike that.</p> <p>10 That license that you got in</p> <p>11 2016 that you were using after you bought</p> <p>12 the Nissan Rogue, where did you keep that</p> <p>13 license? Was it in a purse, a wallet? You</p> <p>14 tell me.</p> <p>15 A. I still have it here because</p> <p>16 all of my old license stay with me here in</p> <p>17 the wallet.</p> <p>18 Q. If that license we are talking</p> <p>19 about, the license from 2016 had been taken</p> <p>20 out of your wallet, you would have known</p> <p>21 that, correct?</p> <p>22 MR. KESHAVARZ: Objection to</p> <p>23 form.</p> <p>24 A. Yeah.</p> <p>25 Q. When you went back to the DMV</p>	<p style="text-align: right;">Page 33</p> <p>1 F. FRANCOIS</p> <p>2 A. It is in Haiti.</p> <p>3 Q. What is the name of it?</p> <p>4 A. The name of the school?</p> <p>5 Q. Yes.</p> <p>6 A. Business Institute of the West</p> <p>7 Indies.</p> <p>8 Q. What year did you receive that</p> <p>9 associate degree?</p> <p>10 A. 2010, 2011.</p> <p>11 Q. Okay. And after that have you</p> <p>12 received any other degree from any other</p> <p>13 educational institution?</p> <p>14 A. Yes, from my nursing Hope</p> <p>15 College.</p> <p>16 Q. Your nursing, where was that,</p> <p>17 in Haiti or the United States?</p> <p>18 A. No, in Miami. I took the class</p> <p>19 online.</p> <p>20 Q. Class online?</p> <p>21 A. Hope College.</p> <p>22 Q. Have you lived anywhere in the</p> <p>23 United States other than New York City?</p> <p>24 A. No.</p> <p>25 Q. So you got a degree from Hope</p>

<p style="text-align: right;">Page 34</p> <p>1 F. FRANCOIS</p> <p>2 College?</p> <p>3 A. I got a diploma, LPN, licensed</p> <p>4 practical nurse.</p> <p>5 Q. Licensed practical nurse?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And have you ever worked</p> <p>8 as a licensed practical nurse?</p> <p>9 A. Yes, this is what I do. I am</p> <p>10 just coming from work.</p> <p>11 Q. Just now?</p> <p>12 A. Yeah. I am working for Bronx</p> <p>13 Care Hospital.</p> <p>14 Q. Bronx Care?</p> <p>15 A. Yeah, Bronx Care Hospital.</p> <p>16 Q. Okay. When did you get that</p> <p>17 degree, what year?</p> <p>18 A. Last year.</p> <p>19 MR. GOODMAN: I need just one</p> <p>20 minute. I'm sorry.</p> <p>21 (Whereupon, an off-the-record</p> <p>22 discussion was held.)</p> <p>23 Q. Let's go through your</p> <p>24 employment history. So when you came to</p> <p>25 the United States, where were you first</p>	<p style="text-align: right;">Page 36</p> <p>1 F. FRANCOIS</p> <p>2 better thing.</p> <p>3 Q. Better opportunity?</p> <p>4 A. Yes, better opportunity.</p> <p>5 Q. More money?</p> <p>6 A. Not about money, but more</p> <p>7 opportunity because I was going to try to</p> <p>8 do what I learn in my country about</p> <p>9 accounting.</p> <p>10 Q. Okay. So do you remember the</p> <p>11 month of 2018?</p> <p>12 A. No, I don't remember the month</p> <p>13 when I left Gary.</p> <p>14 Q. Did you leave on good terms, or</p> <p>15 did he fire you?</p> <p>16 A. Yes, good terms.</p> <p>17 Q. Is that establishment still in</p> <p>18 business?</p> <p>19 A. Yes. They are on 89th Street</p> <p>20 and Broadway, 2421 Broadway and 89th</p> <p>21 Street.</p> <p>22 Q. You said you left and you went</p> <p>23 to TD Bank?</p> <p>24 A. Yes.</p> <p>25 Q. When were you first employed by</p>
<p style="text-align: right;">Page 35</p> <p>1 F. FRANCOIS</p> <p>2 employed?</p> <p>3 A. I was working Gary Null's</p> <p>4 Uptown Whole Food.</p> <p>5 Q. And what is Gary Null's Uptown</p> <p>6 Whole Food?</p> <p>7 A. It is a whole food store and he</p> <p>8 licensed -- has his own organic produce,</p> <p>9 like vitamins.</p> <p>10 Q. When did you first become</p> <p>11 employed by Gary Null's Uptown Whole Food?</p> <p>12 A. It was January 2014.</p> <p>13 Q. So within a month after you got</p> <p>14 here?</p> <p>15 A. Yeah.</p> <p>16 Q. Okay. And what was your</p> <p>17 position there?</p> <p>18 A. I started as a cashier, and</p> <p>19 then assistant, and then store manager.</p> <p>20 Q. Okay. And when did you leave</p> <p>21 the employment of Gary Null's Whole Food?</p> <p>22 A. I leave Gary in 2018 to work</p> <p>23 for TD Bank.</p> <p>24 Q. Okay. Why did you leave?</p> <p>25 A. Because I was working for a</p>	<p style="text-align: right;">Page 37</p> <p>1 F. FRANCOIS</p> <p>2 TD Bank?</p> <p>3 A. I am employed by TD Bank on</p> <p>4 September 2018, yeah. It was 2018.</p> <p>5 Q. What was your position at TD</p> <p>6 Bank?</p> <p>7 A. I was a teller, and then I</p> <p>8 become teller II, and then after that, I</p> <p>9 become customer service representative.</p> <p>10 Q. What was the last --</p> <p>11 A. Customer service</p> <p>12 representative.</p> <p>13 Q. Representative?</p> <p>14 A. Yeah.</p> <p>15 Q. Okay. How long did you work at</p> <p>16 TD Bank?</p> <p>17 A. I just left TD last year after</p> <p>18 my graduation.</p> <p>19 Q. That is after your graduation</p> <p>20 from Hope College?</p> <p>21 A. Yes, when I graduated from the</p> <p>22 nursing and I decided to go into health</p> <p>23 care.</p> <p>24 Q. So when was your graduation?</p> <p>25 A. My graduation was in</p>

<p style="text-align: right;">Page 38</p> <p>1 F. FRANCOIS</p> <p>2 November 2020.</p> <p>3 Q. And that is when you left TD</p> <p>4 Bank, around there?</p> <p>5 A. I left TD after that in</p> <p>6 December.</p> <p>7 Q. And what is your next</p> <p>8 employment after TD?</p> <p>9 A. After TD Bank, I was working as</p> <p>10 a nurse. I was working for Fairview Center</p> <p>11 and then Bronx Care.</p> <p>12 Q. Did you say Fairview Center?</p> <p>13 A. Fairview Center Nursing Care.</p> <p>14 Q. Okay.</p> <p>15 A. And then Bronx Care Health</p> <p>16 System Hospital.</p> <p>17 Q. Okay. So let's go back to TD</p> <p>18 Bank. Did you work in a specific branch?</p> <p>19 A. Yes, at 158th and Broadway.</p> <p>20 3798 157th Street, New York, New York.</p> <p>21 Q. Okay. And were you ever</p> <p>22 subject of discipline there?</p> <p>23 A. No.</p> <p>24 Q. Okay. Customer complaints</p> <p>25 about you, were there any?</p>	<p style="text-align: right;">Page 40</p> <p>1 F. FRANCOIS</p> <p>2 Q. 42 patients?</p> <p>3 A. Yeah.</p> <p>4 Q. That's currently?</p> <p>5 A. Yeah, it's a nursing home.</p> <p>6 Q. It is a nursing home?</p> <p>7 A. Yeah.</p> <p>8 Q. What is the address of that</p> <p>9 nursing home?</p> <p>10 A. Fairview is 6970 Grand Central</p> <p>11 Parkway, Forrest Hill Queens, New York.</p> <p>12 Q. And you said earlier in this</p> <p>13 deposition that you just came from work</p> <p>14 there?</p> <p>15 A. No. Not from Fairview. From</p> <p>16 Bronx care. I even took myself -- this is</p> <p>17 my customer gave it to me today because</p> <p>18 today is six months.</p> <p>19 Q. Did you work an overnight</p> <p>20 shift? What are your hours of work?</p> <p>21 A. For Fairview sometimes I work</p> <p>22 3:00 to 11:00, and then from Bronx Care, I</p> <p>23 work 12:00 to 8:30.</p> <p>24 Q. So you're basically working --</p> <p>25 is your testimony you are working from</p>
<p style="text-align: right;">Page 39</p> <p>1 F. FRANCOIS</p> <p>2 A. No.</p> <p>3 Q. Okay. Now, you then went, you</p> <p>4 said, to Fairview Center Nursing Care --</p> <p>5 A. Yes, I am still working for</p> <p>6 them. I am doing part-time. I used to do</p> <p>7 full-time, but when I got the new job for</p> <p>8 the hospital. I am working for them</p> <p>9 part-time.</p> <p>10 Q. But for a while, you were</p> <p>11 working for them full-time?</p> <p>12 A. Yeah, full-time.</p> <p>13 Q. When did that change to</p> <p>14 part-time?</p> <p>15 A. Just like two months,</p> <p>16 September it was two months.</p> <p>17 Q. Okay. So what do you do for</p> <p>18 them? What are your duties and functions?</p> <p>19 A. Do wound care, give medication,</p> <p>20 take care of my patients, give them like</p> <p>21 vitamins, IV fluid, and then if they have</p> <p>22 any...</p> <p>23 Q. Do you have one patient you're</p> <p>24 assigned to or --</p> <p>25 A. No, I got 42 patients.</p>	<p style="text-align: right;">Page 41</p> <p>1 F. FRANCOIS</p> <p>2 3:00 p.m. to 8:30 a.m.?</p> <p>3 A. Yeah. But for Fairview, like</p> <p>4 yesterday, I work 3:00 to 11:00. And then</p> <p>5 today I take off because my lawyer was</p> <p>6 telling me I have to be up. But at 12:00,</p> <p>7 I have to go to Bronx to work.</p> <p>8 Q. At midnight, 12:00?</p> <p>9 A. Yeah. Midnight, 12:00 to 8:30</p> <p>10 in the morning.</p> <p>11 Q. Okay. So, basically, you are</p> <p>12 working two different jobs at the same</p> <p>13 time; is that fair, or you tell me?</p> <p>14 A. It is fair because Fairview I</p> <p>15 just give them three days - Monday,</p> <p>16 Wednesday, Saturday. Sometimes I give them</p> <p>17 Monday, Tuesday, Wednesday.</p> <p>18 Q. Okay. All right. I want to</p> <p>19 ask you some questions about Emmanuel</p> <p>20 Laforest. You told us some things about</p> <p>21 him already, but I want to ask you some</p> <p>22 more.</p> <p>23 A. Sure.</p> <p>24 Q. When did you first meet him?</p> <p>25 A. I meet him from this January</p>

<p style="text-align: right;">Page 42</p> <p>1 F. FRANCOIS</p> <p>2 because I was about to call the police for</p> <p>3 him again, he keep my green card.</p> <p>4 Q. He what?</p> <p>5 A. He kept my green card.</p> <p>6 Q. He kept your green card?</p> <p>7 A. Yes.</p> <p>8 Q. How did he get your green card?</p> <p>9 A. Because my address is still</p> <p>10 there. And my lawyer called me and said</p> <p>11 you never received the green card. I said</p> <p>12 I never received it. Since last year I</p> <p>13 never receive it. They said okay, go to</p> <p>14 the post office. Post office said, they</p> <p>15 deliver it. They gave to tall black guy,</p> <p>16 skinny. Called my husband and he said we</p> <p>17 are going to call the police and we are</p> <p>18 going to know who has the green card, which</p> <p>19 is by the time he is coming and I go to</p> <p>20 talk to grandma. And I said to him, you</p> <p>21 have my paper. He said, no, I do not have</p> <p>22 your paper. And I said you go to the</p> <p>23 police. They are going to find out if he</p> <p>24 have mine. Then he said, okay, I think I</p> <p>25 put it upstairs. Let me check that. That</p>	<p style="text-align: right;">Page 44</p> <p>1 F. FRANCOIS</p> <p>2 cases he has to go.</p> <p>3 Q. And when did grandma tell you</p> <p>4 that?</p> <p>5 A. When I was like just going</p> <p>6 there and asking grandma I would like to</p> <p>7 meet all of the family. She said don't</p> <p>8 count on that. You will not see him here.</p> <p>9 Most of us do not want that because he</p> <p>10 always in trouble with the cops.</p> <p>11 Q. So that's like 2018 that you --</p> <p>12 A. Yeah, 2018 she was telling me</p> <p>13 that.</p> <p>14 Q. All right. So as of that time</p> <p>15 you already knew that he was a convicted</p> <p>16 criminal, right?</p> <p>17 A. To tell you the truth, the</p> <p>18 family not telling me about stories, but</p> <p>19 they said he has a problem with cops for</p> <p>20 basically child support, things like that.</p> <p>21 That is why they was telling me. They</p> <p>22 never told me he was a criminal. I would</p> <p>23 never marry his bother.</p> <p>24 Q. But they said he was in jail,</p> <p>25 right?</p>
<p style="text-align: right;">Page 43</p> <p>1 F. FRANCOIS</p> <p>2 was in January.</p> <p>3 Q. January of 2022, this year?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. When is the first time</p> <p>6 you met Emmanuel Laforest?</p> <p>7 A. This is the first time he saw</p> <p>8 me eye-for-eye. I never met him.</p> <p>9 Q. You never saw him before</p> <p>10 January of this year?</p> <p>11 A. No. I just saw him in pictures</p> <p>12 and grandma was showing me the picture of</p> <p>13 him. And then I was listening that he was</p> <p>14 in jail in 2018, he is coming out in 2019.</p> <p>15 I never saw him.</p> <p>16 Q. Okay. When did you -- I think</p> <p>17 you said your grandma told you --</p> <p>18 A. His grandma, but I call her</p> <p>19 "grandma."</p> <p>20 Q. Grandma told you he Was in jail</p> <p>21 in 2018 and he was coming out in 2019?</p> <p>22 A. He was in jail for lot of</p> <p>23 things, which I found out from the court</p> <p>24 also. Brooklyn court was telling me this</p> <p>25 is not the only case he has. He has other</p>	<p style="text-align: right;">Page 45</p> <p>1 F. FRANCOIS</p> <p>2 A. For child support saying he</p> <p>3 never paid his child support. Grandma was</p> <p>4 telling me stories.</p> <p>5 Q. Did he ever have children that</p> <p>6 lived at the Farragut Road address?</p> <p>7 A. No, never even his girlfriend.</p> <p>8 He never brought there.</p> <p>9 Q. So there came a time that you</p> <p>10 said -- that was January of this year you</p> <p>11 said you were going to call the police</p> <p>12 about the green card, right?</p> <p>13 A. Mm-hm.</p> <p>14 Q. You have to say "yes" for the</p> <p>15 record?</p> <p>16 A. Yes.</p> <p>17 Q. Before January of this year did</p> <p>18 there come a time that you went to the</p> <p>19 police about Emmanuel Laforest?</p> <p>20 A. Yes.</p> <p>21 Q. When was that?</p> <p>22 A. It was in September when I find</p> <p>23 out that he -- I found out about the title,</p> <p>24 receiving the title in my name.</p> <p>25 Q. Okay. And did you talk to him</p>

<p style="text-align: right;">Page 46</p> <p>1 F. FRANCOIS</p> <p>2 before you went to the police?</p> <p>3 A. On the phone, over the phone,</p> <p>4 yeah.</p> <p>5 Q. So when is the first time you</p> <p>6 ever talked to Emmanuel Laforest on the</p> <p>7 phone?</p> <p>8 A. Okay. The first time I spoke</p> <p>9 to him over the phone was when I find out</p> <p>10 about the title. The first person I call,</p> <p>11 I called my husband. I said did you buy a</p> <p>12 car? He said no, why would I need the car?</p> <p>13 I said I received the title, but the title</p> <p>14 have address and they send to that address.</p> <p>15 I did not buy a BMW. I did not need a car.</p> <p>16 And he said you are sure you did not. I</p> <p>17 said no.</p> <p>18 Grandpa give me the mail, ask</p> <p>19 grandpa. And he asked grandpa and find out</p> <p>20 which is after that they find out that</p> <p>21 Emmanuel have a BM. And the he called me.</p> <p>22 She said Emmanuel has a BM, but Emmanuel</p> <p>23 does not have access to your things. How</p> <p>24 could he have your social and your social</p> <p>25 is in your hand and ID? I said okay, find</p>	<p style="text-align: right;">Page 48</p> <p>1 F. FRANCOIS</p> <p>2 Q. When did you leave Farragut</p> <p>3 Road and start staying at 145? In 2020?</p> <p>4 A. I live definitely it was in</p> <p>5 2020 after I got in fight with the family</p> <p>6 after what Emmanuel did.</p> <p>7 Q. I know, but you said, if I</p> <p>8 understand you correctly, you said you were</p> <p>9 staying at 145 because of COVID?</p> <p>10 A. Because my asthma was getting</p> <p>11 bad and grandpa had COVID on the first</p> <p>12 floor. I could not stay on the first</p> <p>13 floor. I went to my uncle for a week or</p> <p>14 two weeks, I think, for COVID. Because</p> <p>15 every night I having problem breathing with</p> <p>16 my asthma. My family was scared I got the</p> <p>17 COVID.</p> <p>18 Q. When were those one or two</p> <p>19 weeks that you when the to 145 in 2020?</p> <p>20 A. That was before we celebrate</p> <p>21 rate our -- before my birthday. That was</p> <p>22 before my birthday. That was in May. It</p> <p>23 was the flag of Haiti. It was May 18th.</p> <p>24 Q. The flag of Haiti?</p> <p>25 A. That is -- May 18th is like the</p>
<p style="text-align: right;">Page 47</p> <p>1 F. FRANCOIS</p> <p>2 out.</p> <p>3 When grandpa asked him, he said</p> <p>4 no, he did not. I said I am going to the</p> <p>5 police now, even though it is already</p> <p>6 10:00 p.m. I am going to the police now.</p> <p>7 I am not coming to the house, and I am</p> <p>8 staying in my friend's house. Grandpa call</p> <p>9 him and said Farah is going to the police;</p> <p>10 we have to find out if this is you. And he</p> <p>11 called me, grandpa phoned telling me he was</p> <p>12 doing something, and he was going to remove</p> <p>13 my name telling my another story.</p> <p>14 MR. GOODMAN: So I move to</p> <p>15 strike the nonresponsive portions.</p> <p>16 Q. So if Emmanuel Laforest</p> <p>17 testified under oath in this case that he</p> <p>18 had a conversation with you around</p> <p>19 June/July or 2020, is that accurate? Is he</p> <p>20 telling the truth?</p> <p>21 A. No, he is not telling the</p> <p>22 truth. I was in 145 for COVID.</p> <p>23 Q. For COVID?</p> <p>24 A. Yeah, this period was for</p> <p>25 COVID-19.</p>	<p style="text-align: right;">Page 49</p> <p>1 F. FRANCOIS</p> <p>2 date of the flag of Haiti.</p> <p>3 Q. Okay. So back to the question.</p> <p>4 So Emmanuel Laforest testified that in June</p> <p>5 or July had he a conversation with you</p> <p>6 about the BMW; is that true?</p> <p>7 A. No, never.</p> <p>8 Q. Okay. And if Emmanuel Laforest</p> <p>9 testified that in that conversation with</p> <p>10 you about the BMW he told you that he was</p> <p>11 going to pay it off by December and you</p> <p>12 said you were cool with that, did that</p> <p>13 happen?</p> <p>14 A. No, never. I never said that</p> <p>15 to him.</p> <p>16 Q. Okay. When is the first time</p> <p>17 you had a conversation with him about the</p> <p>18 BMW?</p> <p>19 A. It is the date that I find out</p> <p>20 about the paper when his dad called him he</p> <p>21 has to come to the house because he has to</p> <p>22 talk to Farah because Farah is about to go</p> <p>23 to police, which is he come. It was 11:00</p> <p>24 something and then he called me. I was in</p> <p>25 Canarsie see with my friend's house. And</p>

<p style="text-align: right;">Page 50</p> <p>1 F. FRANCOIS</p> <p>2 then he called me and he said, hi, I have</p> <p>3 Emmanuel. I'm sorry I lie to my dad. Yes,</p> <p>4 it was me using your information.</p> <p>5 I said, okay, first of all, the</p> <p>6 only question I want to ask you is how do</p> <p>7 you have my social? Because I have my</p> <p>8 social with me. They did not need your</p> <p>9 social. It was only paper with your name.</p> <p>10 I said no that is impossible. You can't</p> <p>11 buy a car with paper, with mail. They need</p> <p>12 to have my information. And then I said</p> <p>13 okay, since you don't want to tell me the</p> <p>14 truth, tomorrow early I am going to the</p> <p>15 police, which is then you have to tell the</p> <p>16 police the truth. And then after that he</p> <p>17 would say yes, I got the ID. I received in</p> <p>18 the mail. I keep it here and give to my</p> <p>19 brother or my dad.</p> <p>20 Q. Okay, so let me stop you there.</p> <p>21 I'm sorry.</p> <p>22 MR. KESHAVARZ: Were you done</p> <p>23 with your answer?</p> <p>24 MR. GOODMAN: Well, it's</p> <p>25 nonresponsive. She is giving a</p>	<p style="text-align: right;">Page 52</p> <p>1 F. FRANCOIS</p> <p>2 A. That was not true because they</p> <p>3 sent to me in March and it was expired</p> <p>4 when I applied for it. And they sent it to</p> <p>5 me after I went to the DMV to apply for</p> <p>6 that.</p> <p>7 Q. But he could have had your</p> <p>8 other driver's license?</p> <p>9 A. How could have it if I had my</p> <p>10 old driver's license? I have proof of</p> <p>11 that. I have some here with me, and then I</p> <p>12 have the rest of all of my paper inside.</p> <p>13 Q. So you would've known if he --</p> <p>14 his testimony was that he found your</p> <p>15 driver's license -- I'm sorry -- somebody</p> <p>16 gave him your driver's license to give back</p> <p>17 to you and he kept it since 2019; that is</p> <p>18 not true, is it?</p> <p>19 A. That's not true.</p> <p>20 MR. KESHAVARZ: Objection to</p> <p>21 form. Mr. Goodman, the testimony is</p> <p>22 the testimony. I don't want you to</p> <p>23 represent --</p> <p>24 MR. GOODMAN: Thank you.</p> <p>25 MR. KESHAVARZ: If you have a</p>
<p style="text-align: right;">Page 51</p> <p>1 F. FRANCOIS</p> <p>2 narrative response.</p> <p>3 MR. KESHAVARZ: If it is or it</p> <p>4 isn't, were you done? Were you done</p> <p>5 with what you were going to say.</p> <p>6 A. No. I am not. 'Cause he was</p> <p>7 telling me it was the first time we talk.</p> <p>8 I am saying the first time we spoke was</p> <p>9 about the fight about the title under my</p> <p>10 name.</p> <p>11 Q. But the question was "when" was</p> <p>12 that conversation.</p> <p>13 A. It was in September because I</p> <p>14 find out about the title in September.</p> <p>15 Q. Okay. So if he testified he</p> <p>16 had a conversation with you in June/July</p> <p>17 sometime during the summer, that was a lie,</p> <p>18 correct?</p> <p>19 A. Yes. That was definitely a</p> <p>20 lie.</p> <p>21 Q. And if you testified that he</p> <p>22 had your driver's license since 2019 and he</p> <p>23 had been keeping it and meaning to give it</p> <p>24 back to you, that was not true either, was</p> <p>25 it?</p>	<p style="text-align: right;">Page 53</p> <p>1 F. FRANCOIS</p> <p>2 question, you have a question.</p> <p>3 You're representing his testimony,</p> <p>4 and I don't know if that's accurate.</p> <p>5 I don't care, but I'm --</p> <p>6 MR. GOODMAN: I appreciate it.</p> <p>7 MR. KESHAVARZ: You're welcome.</p> <p>8 Q. Ms. Francois, I want you to</p> <p>9 assume that he testified first that someone</p> <p>10 gave him your driver's license and he meant</p> <p>11 to give it back to you but he couldn't give</p> <p>12 it back to you because he didn't have your</p> <p>13 number; is accurate? If he did testify to</p> <p>14 that, is that correct?</p> <p>15 A. That is not correct. Who is</p> <p>16 going to give it to him?</p> <p>17 Q. I don't know. I am only</p> <p>18 representing what he testified to.</p> <p>19 A. Okay. No one would give it to</p> <p>20 him. The mail box or always give to</p> <p>21 grandma or grandpa.</p> <p>22 Q. I Want you to assume that he</p> <p>23 testified under oath that there were</p> <p>24 occasions when you would leave your</p> <p>25 driver's license out in the apartment by</p>

<p style="text-align: right;">Page 54</p> <p>1 F. FRANCOIS</p> <p>2 the door and it was available there and he</p> <p>3 came across it there; was that accurate?</p> <p>4 A. It is not accurate because the</p> <p>5 mail guy, the guy was always bring the</p> <p>6 mail, and he always give it to grandma or</p> <p>7 grandpa or sometimes who ever is coming</p> <p>8 because he knows us was living there.</p> <p>9 That is when he give it to him, to give the</p> <p>10 mail. He gives all the mail.</p> <p>11 Him, he chose to open everybody</p> <p>12 mail. Then he like grandpa pass saying he</p> <p>13 open everybody mail. And he found my ID</p> <p>14 and found W-2 from Whole Food. He never</p> <p>15 gave it back to me. He keep it.</p> <p>16 Q. Did you have his -- in the</p> <p>17 first part of the year 2020 did you have</p> <p>18 his cell phone number?</p> <p>19 A. No.</p> <p>20 Q. Did he have your cell phone</p> <p>21 number?</p> <p>22 A. He has my cell phone number</p> <p>23 because he asked grandpa for that. When he</p> <p>24 asked my husband he wanted to talk to me,</p> <p>25 he asked grandpa. He said call Farah about</p>	<p style="text-align: right;">Page 56</p> <p>1 F. FRANCOIS</p> <p>2 there, which is something I didn't ask him</p> <p>3 where is his brother because it is not like</p> <p>4 it was really important. It was not a big</p> <p>5 wedding. It is something we went to the</p> <p>6 court. We do and after that we did a</p> <p>7 ceremony between my family and his mom and</p> <p>8 dad, which is who was there.</p> <p>9 Q. I thought I heard you testify</p> <p>10 your husband told you he was not going to</p> <p>11 invite his brother to the wedding?</p> <p>12 A. He was telling me before he</p> <p>13 would never be because what he did --</p> <p>14 remember, I told you before he did the same</p> <p>15 thing with my husband paying for him for</p> <p>16 what he did.</p> <p>17 MR. GOODMAN: Can you read that</p> <p>18 back?</p> <p>19 (Whereupon, the referred to</p> <p>20 answer was read back by the</p> <p>21 Reporter.)</p> <p>22 Q. When you say "paying for him</p> <p>23 for what he did," what did you mean?</p> <p>24 A. He was telling me after that he</p> <p>25 was telling me that he got somebody's</p>
<p style="text-align: right;">Page 55</p> <p>1 F. FRANCOIS</p> <p>2 what you are going to do with the car to</p> <p>3 remove her.</p> <p>4 Q. But if he wanted to communicate</p> <p>5 with you, he could have done that through</p> <p>6 your husband, which is his brother,</p> <p>7 correct?</p> <p>8 MR. KESHAVARZ: Objection to</p> <p>9 form.</p> <p>10 Q. Correct?</p> <p>11 A. No. It is not correct. They</p> <p>12 are not talking. It has been a while since</p> <p>13 my husband was paying for him. It has been</p> <p>14 a while. That's why my husband did not</p> <p>15 invite him to our wedding or anything.</p> <p>16 They are not talking at all.</p> <p>17 Q. When you and Stanley got</p> <p>18 married and your husband told you -- you</p> <p>19 knew he had a brother named Emmanuel?</p> <p>20 A. Yeah, I know because I know his</p> <p>21 mom and dad only have two boys.</p> <p>22 Q. So your husband told you we're</p> <p>23 not going to invite him to our wedding?</p> <p>24 A. He did not say that. I was</p> <p>25 telling all of his family is going to be</p>	<p style="text-align: right;">Page 57</p> <p>1 F. FRANCOIS</p> <p>2 credit card or something and used that</p> <p>3 person's credit card. And the fight was</p> <p>4 him because of his dad. His dad had a</p> <p>5 problem of heart attack he. Did not want</p> <p>6 his dad to get any worse. He handled all</p> <p>7 of the money. He never come to the house</p> <p>8 looking for him. My husband told me that</p> <p>9 after that he never spoke to him.</p> <p>10 Q. Okay. So if I want you to</p> <p>11 assume Mr. Laforest gave testimony in this</p> <p>12 case under oath that he found your driver's</p> <p>13 license on the floor on the apartment at</p> <p>14 Farragut Road, is that accurate?</p> <p>15 A. That is not accurate.</p> <p>16 Q. Was he lying when he said that?</p> <p>17 A. Yeah, definitely lying.</p> <p>18 Q. Okay. I want you to assume</p> <p>19 that Mr. Emmanuel Laforest testified that</p> <p>20 he had been paying off the car, the BMW.</p> <p>21 Did he tell you that?</p> <p>22 A. No, he did not because the</p> <p>23 owner of the -- the son owner tell me they</p> <p>24 are going to make him bring the car back.</p> <p>25 Capital one was telling me it was going to</p>

<p style="text-align: right;">Page 58</p> <p>1 F. FRANCOIS</p> <p>2 be more because they were never paying</p> <p>3 interest. It is going to be more than</p> <p>4 \$29,000. If he did, that's not true.</p> <p>5 That is between him and them. But they</p> <p>6 never told me about that.</p> <p>7 Q. Okay. I want you to assume he</p> <p>8 gave some testimony about paying off the</p> <p>9 tickets that he got, the parking tickets,</p> <p>10 the tolls, those tickets. If he testified</p> <p>11 to that, was he lying when he said that?</p> <p>12 A. No. I have a ticket I just</p> <p>13 received for the BMW that I have to go to</p> <p>14 bring to court because now I am waiting for</p> <p>15 them to give me all of papers to send to</p> <p>16 the court and to remove my name. My name</p> <p>17 is -- what is it that they call when you</p> <p>18 did not pay? They send my name to -- I</p> <p>19 forget what they call it. When you owe</p> <p>20 money and you never pay, they then send</p> <p>21 your name there. I don't remember. I</p> <p>22 think I received a paper here. He never</p> <p>23 paid that.</p> <p>24 Q. That's my question. Did</p> <p>25 Emmanuel Laforest ever pay for any of the</p>	<p style="text-align: right;">Page 60</p> <p>1 F. FRANCOIS</p> <p>2 number; do not answer. And I was telling</p> <p>3 my husband that.</p> <p>4 Q. Correct me if I'm wrong. On</p> <p>5 the day you had him arrested or thereabouts</p> <p>6 somebody texts and you said you can never</p> <p>7 come back to Brooklyn. Is that --</p> <p>8 A. Yes. They said that, yeah.</p> <p>9 He has a lot of people calling me, and I</p> <p>10 block their number calling me saying a lot</p> <p>11 of bad words which is -- that is the reason</p> <p>12 that made me change everything.</p> <p>13 Q. Do you know who texted you?</p> <p>14 A. I don't know, but when I say</p> <p>15 that to his dad and his family asked him</p> <p>16 you said you don't know which. I know it's</p> <p>17 him because that is person I have a problem</p> <p>18 with. I never have a problem with no one</p> <p>19 in this country.</p> <p>20 Q. So you went to the police.</p> <p>21 What happened next? Just tell me what</p> <p>22 happened when you went to the police about</p> <p>23 --</p> <p>24 A. When I went for I find the</p> <p>25 title or back for what happened? Which one</p>
<p style="text-align: right;">Page 59</p> <p>1 F. FRANCOIS</p> <p>2 parking tickets that were given to BMW?</p> <p>3 A. No, if he said that, they would</p> <p>4 not sent them to me.</p> <p>5 Q. He may have paid one or two,</p> <p>6 but not the rest?</p> <p>7 A. He may have paid one or two,</p> <p>8 but he got a lot. I have all of that. I</p> <p>9 give that to my lawyer. Most them he did</p> <p>10 not pay.</p> <p>11 Q. You don't know if he paid any</p> <p>12 though?</p> <p>13 A. I don't know because I never</p> <p>14 spoke to him about that. He made someone</p> <p>15 text me. After they texted me telling me I</p> <p>16 blocked all of the number. The detective</p> <p>17 told me to block all the number. I never</p> <p>18 know anything about that.</p> <p>19 Q. What do you mean somebody</p> <p>20 texted you?</p> <p>21 A. Somebody texted me. I think</p> <p>22 the day they arrest him somebody texted me</p> <p>23 saying you will never come back to</p> <p>24 Brooklyn, which is -- I was afraid and then</p> <p>25 I called the detective. He said block any</p>	<p style="text-align: right;">Page 61</p> <p>1 F. FRANCOIS</p> <p>2 you want?</p> <p>3 Q. The first time you went to the</p> <p>4 police.</p> <p>5 A. The first time I went to the</p> <p>6 police, I went to the police, I said I need</p> <p>7 to talk with someone because somebody used</p> <p>8 my information. They said to me do I have</p> <p>9 the proof. I said yes, I have the proof.</p> <p>10 And I bring the title and then I also have</p> <p>11 the paper that Capital One sent about the</p> <p>12 loan that I need to pay I did not pay. And</p> <p>13 then I go with them. With that, they say</p> <p>14 there is a name where you buy the car.</p> <p>15 The first police did not believe that.</p> <p>16 They said that's strange, did you ever go</p> <p>17 to that place? I said I don't know where</p> <p>18 is that in Bronx because this is a place I</p> <p>19 never went. They said you have to go</p> <p>20 there. Pretend that you don't know -- you</p> <p>21 don't want to buy the car. Ask them to</p> <p>22 give you the paper where you signed because</p> <p>23 it says that you are the one that went and</p> <p>24 by the car. Which is what I did. After I</p> <p>25 went to the police they said go there and</p>

<p style="text-align: right;">Page 62</p> <p>1 F. FRANCOIS</p> <p>2 then them give you the paper, come back to</p> <p>3 us.</p> <p>4 Q. Okay. I am going to go through</p> <p>5 that in a minute. So you went through that</p> <p>6 with the police, and what happened next?</p> <p>7 Did there come a time that you had a</p> <p>8 conversation with a district attorney?</p> <p>9 A. No. The person I went to was</p> <p>10 just police who was taking my deposition</p> <p>11 and everything. And they said detective is</p> <p>12 not here, but we want you to do something</p> <p>13 with that. We want you to bring us more</p> <p>14 proof because the person Emmanuel Laforest,</p> <p>15 and you are married to his family. That's</p> <p>16 your husband's bother. We need more proof.</p> <p>17 Can I just take a break real</p> <p>18 quick?</p> <p>19 (Whereupon, a short recess was</p> <p>20 taken.)</p> <p>21 Q. I want to go back Ms. Francois.</p> <p>22 I want you to assume that Emmanuel Laforest</p> <p>23 testified under oath in this case he did</p> <p>24 not know you were married to Stanley</p> <p>25 Laforest. Was he lying about that?</p>	<p style="text-align: right;">Page 64</p> <p>1 F. FRANCOIS</p> <p>2 thing I can think is grandpa was telling</p> <p>3 that before was one week before or two</p> <p>4 weeks he always come early in the morning</p> <p>5 at 6:00 a.m. 7:00 a.m. asking about did you</p> <p>6 receive any mail; did you receive any mail?</p> <p>7 Grandpa already had the mail, which is the</p> <p>8 title. Grandpa did not give it to him</p> <p>9 because it was my name on it because that</p> <p>10 is the reason he was coming early, early</p> <p>11 every morning just to get the title.</p> <p>12 Because I would never know that something</p> <p>13 was in my name because if I did not have</p> <p>14 the title I would never now know nobody did</p> <p>15 that. That is the reason, but I can't tell</p> <p>16 you how did he get the mail.</p> <p>17 Q. Okay. I want you to assume he</p> <p>18 testified you were only a family friend of</p> <p>19 the family.</p> <p>20 A. Family friend, I married his</p> <p>21 brother. If I was a family friend -- I</p> <p>22 married his brother. We've married for</p> <p>23 years married.</p> <p>24 Q. So he was lying about that too,</p> <p>25 wasn't he?</p>
<p style="text-align: right;">Page 63</p> <p>1 F. FRANCOIS</p> <p>2 A. I can't say yes, no because I</p> <p>3 never saw him, like I said to you. Nobody</p> <p>4 never knew what he was doing. I can't say</p> <p>5 to you yes or no because nobody know what</p> <p>6 he was doing.</p> <p>7 Q. I want you to assume he</p> <p>8 testified in terms of where you lived, and</p> <p>9 specifically about Farragut Road, you</p> <p>10 really just came and went there. You did</p> <p>11 not really live there. You were just</p> <p>12 coming and going there.</p> <p>13 A. Okay, that's not true. I have</p> <p>14 a picture everywhere in the house where my</p> <p>15 husband's clothes was, where the bathroom</p> <p>16 was.</p> <p>17 Q. One thing I am curious about,</p> <p>18 you said he was never really and you also</p> <p>19 said the mail would be handed to grandma or</p> <p>20 grandpa or somebody. When would he have</p> <p>21 the an opportunity to steal the mail?</p> <p>22 MR. GOODMAN: Objection to</p> <p>23 form. Go ahead.</p> <p>24 A. That question I don't know how</p> <p>25 he would be able to do that because only</p>	<p style="text-align: right;">Page 65</p> <p>1 F. FRANCOIS</p> <p>2 A. Yes, because we married and we</p> <p>3 are still married.</p> <p>4 Q. Basically, you can't believe</p> <p>5 anything he says, can you?</p> <p>6 MR. KESHAVARZ: Objection to</p> <p>7 the form of the question.</p> <p>8 MR. GOODMAN: Thank you.</p> <p>9 Q. You can answer.</p> <p>10 A. No. I can't lie because most</p> <p>11 of the time he is lying, but I can't tell</p> <p>12 you how he gets the mail. Then for me</p> <p>13 married, a friend? Okay. I am a friend</p> <p>14 and living with your brother and like we</p> <p>15 here are now.</p> <p>16 Q. Okay. Let's go back to you</p> <p>17 went to the police, the police asked you to</p> <p>18 get more documentation, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And so what did you do next?</p> <p>21 A. Okay. Next what I did was I</p> <p>22 called my uncle and explained to him about</p> <p>23 that, which he said find out the address</p> <p>24 because I send him the picture of the deal.</p> <p>25 I did not know where the dealership is.</p>

<p style="text-align: right;">Page 66</p> <p>1 F. FRANCOIS</p> <p>2 My uncle find out for me and my uncle also</p> <p>3 called them to make appointment, which they</p> <p>4 give my uncle an appointment.</p> <p>5 Q. Okay. I'm sorry. Your uncle,</p> <p>6 when you say your "uncle," that's Papito?</p> <p>7 A. Correct.</p> <p>8 Q. Right?</p> <p>9 A. Yes.</p> <p>10 Q. How old is Papito?</p> <p>11 A. Papito is 57.</p> <p>12 Q. And he is your uncle on your</p> <p>13 mother's side or your father's side?</p> <p>14 A. He is my uncle because my mom</p> <p>15 and her mom's sister was cousin. We have</p> <p>16 been calling family. In my country we</p> <p>17 still call family cousin or auntie.</p> <p>18 Q. Okay. So is he not --</p> <p>19 A. My dad and my mom, no.</p> <p>20 Q. He is not related to you by</p> <p>21 blood?</p> <p>22 A. Yes. He is related to me by</p> <p>23 blood because my grandma, it was my</p> <p>24 grandma's sister.</p> <p>25 Q. So he is the son of your</p>	<p style="text-align: right;">Page 68</p> <p>1 F. FRANCOIS</p> <p>2 Q. So before the day you went</p> <p>3 there you never spoke to anybody at the</p> <p>4 dealership?</p> <p>5 A. No.</p> <p>6 Q. It was Papito who called to</p> <p>7 make the appointment?</p> <p>8 A. Yes.</p> <p>9 Q. So the day you when the there</p> <p>10 you went with Papito?</p> <p>11 A. Yes.</p> <p>12 Q. Anyone else?</p> <p>13 A. No, me and my uncle both.</p> <p>14 Q. When you got there, did you</p> <p>15 meet with anybody specifically?</p> <p>16 A. Yeah. After I said I am here</p> <p>17 to see someone to talk about the car, then</p> <p>18 she called the guy who was behind her.</p> <p>19 Q. Okay. And do you know that</p> <p>20 guy's name?</p> <p>21 A. No, I don't remember that guy's</p> <p>22 name. I don't remember the guy I met.</p> <p>23 Q. Can you describe him?</p> <p>24 A. Definitely. He was a little</p> <p>25 like a little fat.</p>
<p style="text-align: right;">Page 67</p> <p>1 F. FRANCOIS</p> <p>2 grandma's sister?</p> <p>3 A. Yes.</p> <p>4 Q. All right. And so go ahead.</p> <p>5 He told us he made an appointment at the</p> <p>6 dealership?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And did there come a</p> <p>9 time that you went to the dealership?</p> <p>10 A. I'm sorry. Yeah. When we got</p> <p>11 the time and the date they give him the</p> <p>12 hour that we have to go there. And then we</p> <p>13 went there when I went there and then I saw</p> <p>14 when I went --</p> <p>15 Q. Okay, okay. Let me just ask</p> <p>16 the questions. What is the date that you</p> <p>17 went there?</p> <p>18 A. The date that I went there was</p> <p>19 in September, but I don't remember the</p> <p>20 specific date that I when the there.</p> <p>21 Q. Okay. And when is the first</p> <p>22 time that you spoke to anybody at the</p> <p>23 dealership about this BMW situation,</p> <p>24 whether it was on the phone or in person?</p> <p>25 A. The day that I went there.</p>	<p style="text-align: right;">Page 69</p> <p>1 F. FRANCOIS</p> <p>2 Q. Wait. I don't know what you're</p> <p>3 saying.</p> <p>4 A. I don't want to say fat. He</p> <p>5 was a Spanish guy.</p> <p>6 Q. A Spanish guy. How long tall</p> <p>7 was he?</p> <p>8 A. Not too tall because his belly</p> <p>9 was big and then he was...</p> <p>10 Q. Did he have a beard?</p> <p>11 A. Yeah, he had a beard. I</p> <p>12 remember his face.</p> <p>13 Q. Did you then have a</p> <p>14 conversation with him?</p> <p>15 A. Yes, because he was busy and we</p> <p>16 sit and waiting, waiting. And I was like</p> <p>17 -- he was like, when he come in sorry, we</p> <p>18 were really busy. I said I want to see the</p> <p>19 paper I signed because I need to do</p> <p>20 something.</p> <p>21 Q. When you asked that question, I</p> <p>22 need to see the papers, was Papito sitting</p> <p>23 with you or was he --</p> <p>24 A. Yeah, we were both talking to</p> <p>25 the guy.</p>

<p style="text-align: right;">Page 70</p> <p>1 F. FRANCOIS</p> <p>2 Q. Were you in an office?</p> <p>3 A. No, we were inside of the</p> <p>4 dealership.</p> <p>5 Q. In the showroom? Were you</p> <p>6 sitting in a chair?</p> <p>7 A. Yeah, we were sitting. They</p> <p>8 give us a chair when we come in. We were</p> <p>9 sitting.</p> <p>10 Q. And was the person you were</p> <p>11 talking to behind a desk?</p> <p>12 A. No. He came to u. He leave</p> <p>13 his desk because I was like been waiting</p> <p>14 for a while. They never come to talk to</p> <p>15 us. There were other people waiting.</p> <p>16 Finally, he saw my face so mad he come to</p> <p>17 me and said she said you have been waiting</p> <p>18 for us. Sorry. We had another customer.</p> <p>19 And I told him the reason I</p> <p>20 come in. And he said we can't give you the</p> <p>21 paper today because we do not keep them</p> <p>22 when the person finish buying the car. It</p> <p>23 is in another place. He slowed me the</p> <p>24 other place which was already closed</p> <p>25 because it was 4:00, 5:00.</p>	<p style="text-align: right;">Page 72</p> <p>1 F. FRANCOIS</p> <p>2 A. Yes, he showed me where they</p> <p>3 were.</p> <p>4 Q. What happened next?</p> <p>5 A. I said I need them. He said I</p> <p>6 understand, but you have to come in two</p> <p>7 days. It was Tuesday or Monday, and he</p> <p>8 said you have to come in Thursday to get</p> <p>9 it. And I said okay, what time. And he</p> <p>10 said you can come in about 2:00. And I</p> <p>11 said I need paper. He said when you come</p> <p>12 in, paper will be available for you.</p> <p>13 Q. Did you have any other</p> <p>14 conversation with him? Did you say</p> <p>15 anything to him? Did he say anything to</p> <p>16 you?</p> <p>17 A. Not the day. I did not say</p> <p>18 anything about that. All I was saying was</p> <p>19 I need the paper that I signed.</p> <p>20 Q. And then after he told you you</p> <p>21 have to come back in two days, you left?</p> <p>22 A. Yes, me and my uncle, we left.</p> <p>23 Q. How did you get to the</p> <p>24 dealership that day?</p> <p>25 A. My uncle drive me there.</p>
<p style="text-align: right;">Page 71</p> <p>1 F. FRANCOIS</p> <p>2 Q. When you came in you saw a</p> <p>3 receptionist, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And then from the receptionist</p> <p>6 how long was it after you talked to the</p> <p>7 receptionist that you talked to the person</p> <p>8 you described?</p> <p>9 A. It was a while because we had</p> <p>10 been sitting. We had been sitting. We had</p> <p>11 been sitting. I went there, it was early.</p> <p>12 The appointment was early. I think it was</p> <p>13 1:30 and we end up talking to him about</p> <p>14 4:00. We had been sitting three hours.</p> <p>15 Q. During those three hours did he</p> <p>16 come over and say, I know you are here, I</p> <p>17 am going to talk to you later, or did he</p> <p>18 just not --</p> <p>19 A. He come to us and I know you</p> <p>20 are waiting, but I have other people. I am</p> <p>21 going to finish with them and I will be</p> <p>22 back.</p> <p>23 Q. Then he came back and you</p> <p>24 stated I want to see papers, and he said</p> <p>25 they are in a different location, right?</p>	<p style="text-align: right;">Page 73</p> <p>1 F. FRANCOIS</p> <p>2 Q. Okay. So he has his own car?</p> <p>3 A. Yeah, he has his own car.</p> <p>4 Q. So then you left after he told</p> <p>5 you to come back in two days. What</p> <p>6 happened next? Did you go back to the</p> <p>7 police?</p> <p>8 A. I go back to the police and I</p> <p>9 told them. They said okay, go back get the</p> <p>10 paper. He said the paper will be ready,</p> <p>11 you have to go get the paper.</p> <p>12 Q. So did you go back in two days?</p> <p>13 A. Yes, I do. I was more early.</p> <p>14 Q. Did you go back with anyone?</p> <p>15 A. Yeah, with my uncle.</p> <p>16 Q. So you both went back two days</p> <p>17 later?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And what happened then?</p> <p>20 A. When I went there, I was</p> <p>21 sitting a while, sitting, sitting, and the</p> <p>22 guy was saying the paper is not ready. It</p> <p>23 took a while. I said, listen, and I was</p> <p>24 mad. I said listen, first of all, let me</p> <p>25 tell you the truth. I have never been</p>

<p style="text-align: right;">Page 74</p> <p>1 F. FRANCOIS</p> <p>2 here, and I don't know the place. You guys</p> <p>3 did something on my name. I don't know who</p> <p>4 did that. And a lot of people was</p> <p>5 listening. He said I don't know what you</p> <p>6 are talking about. What happened? Explain</p> <p>7 to me.</p> <p>8 Q. Hold on. The person you were</p> <p>9 talking to, this is now two days later, the</p> <p>10 second visit, right?</p> <p>11 A. Yeah.</p> <p>12 Q. Who were you talking to?</p> <p>13 A. The same person that was</p> <p>14 telling me to come get the paper.</p> <p>15 Q. The same one you described</p> <p>16 before?</p> <p>17 A. Mm-hm.</p> <p>18 Q. Okay. So what did he tell you</p> <p>19 about where the papers were when, whether</p> <p>20 the papers were ready, whatever it was?</p> <p>21 A. He was telling me the paper is</p> <p>22 not ready, and he told me it is not ready</p> <p>23 because there were a lot of things he was</p> <p>24 doing. We have to make another</p> <p>25 appointment, which I was getting mad. I</p>	<p style="text-align: right;">Page 76</p> <p>1 F. FRANCOIS</p> <p>2 me his card.</p> <p>3 Q. He gave you his card?</p> <p>4 A. Yes, he has my number. He was</p> <p>5 texting me. He was calling me.</p> <p>6 Q. Okay. Slow down.</p> <p>7 A. Yeah.</p> <p>8 Q. Do you have his card? Do you</p> <p>9 still have his card?</p> <p>10 A. No. I don't have that. I</p> <p>11 don't know where I put the card.</p> <p>12 Q. Did you ever give the card to</p> <p>13 your lawyer?</p> <p>14 A. No. Because I was looking for</p> <p>15 the card because I was moving from my</p> <p>16 husband house to come my home. Grandma</p> <p>17 house I did not know where I put this</p> <p>18 paper.</p> <p>19 Q. Describe him again. Young, but</p> <p>20 let's do more detail. What did he look</p> <p>21 like?</p> <p>22 A. He looked like a Spanish guy,</p> <p>23 black hair. He had like black hair. And</p> <p>24 he was sitting in his office telling me</p> <p>25 that we can fix that. Is he went and get</p>
<p style="text-align: right;">Page 75</p> <p>1 F. FRANCOIS</p> <p>2 said I am not coming here. And he said</p> <p>3 what? I have never been to this place. I</p> <p>4 never come here. I said I got a paper from</p> <p>5 you guys someone come here with my</p> <p>6 information, and you sell a person a car</p> <p>7 under my name. You used all of my</p> <p>8 information. He said okay, give me one</p> <p>9 second. He goes straight -- I saw him go</p> <p>10 to a young guy that has an office, and the</p> <p>11 guy look at me and send him to get me and</p> <p>12 my uncle.</p> <p>13 Q. Okay. And so when you went in</p> <p>14 to talk to that young guy?</p> <p>15 A. Yeah. And then I went there --</p> <p>16 Q. Hold on. Did you go into his</p> <p>17 office?</p> <p>18 A. Yeah. Me and my uncle.</p> <p>19 Q. Can you describe that young</p> <p>20 guy?</p> <p>21 A. It looks like he was a Spanish</p> <p>22 guy, but he was telling me he is the</p> <p>23 owner's son.</p> <p>24 Q. Okay.</p> <p>25 A. He is the owner's son. He gave</p>	<p style="text-align: right;">Page 77</p> <p>1 F. FRANCOIS</p> <p>2 another paper. He bring all of those</p> <p>3 papers.</p> <p>4 Q. He brought the papers?</p> <p>5 A. Yeah, and he put it in the</p> <p>6 table. And he was telling me I am very</p> <p>7 sorry for what happened, but I am going to</p> <p>8 explain to you. And then he showed me a</p> <p>9 copy of the ID and Emmanuel ID.</p> <p>10 Q. Okay. Hold on a second.</p> <p>11 You described him as young,</p> <p>12 maybe Spanish guy, black hear. How tall?</p> <p>13 A. Not like tall, tall, tall, but</p> <p>14 I can give him six-three or six-two. I</p> <p>15 don't know.</p> <p>16 Q. When you say "young," how old</p> <p>17 is young?</p> <p>18 A. Young. People can be 50 and</p> <p>19 you look young. But young, he was looking</p> <p>20 more young than his father because he was</p> <p>21 in the next office next to him.</p> <p>22 Q. How do you know his father was</p> <p>23 in the office next to him?</p> <p>24 A. Because he when he call his</p> <p>25 father and father come to me and present</p>

20 (Pages 74 - 77)

<p style="text-align: right;">Page 78</p> <p>1 F. FRANCOIS</p> <p>2 himself, he said I'm his father. I am</p> <p>3 owner of the place.</p> <p>4 (Whereupon, an off-the-record</p> <p>5 discussion was held.)</p> <p>6 Q. We are at a point now where he</p> <p>7 laid out the papers on the table. This</p> <p>8 young guy and you said words to the effect</p> <p>9 of -- you correct me if I am wrong -- he</p> <p>10 wants to fix this problem, right?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And what did he say he</p> <p>13 was going to do to fix the problem?</p> <p>14 A. Okay. First of all, you want</p> <p>15 the paper. He wanted to make sure he</p> <p>16 showed me the ID they have on file. And</p> <p>17 then he showed me the paper and said this</p> <p>18 is your driver's license, and this is</p> <p>19 Emmanuel's. Did you know that guy showed</p> <p>20 me, Emmanuel Laforest, and you live at the</p> <p>21 same address on the driver's license? And</p> <p>22 then also it was on the later paper that</p> <p>23 had information about my social, things</p> <p>24 like that. Which is where I tried to take</p> <p>25 a picture of that. He stopped me and he</p>	<p style="text-align: right;">Page 80</p> <p>1 F. FRANCOIS</p> <p>2 Q. So he said -- I'm sorry. I</p> <p>3 didn't pick that up. What was the last</p> <p>4 thing you said?</p> <p>5 A. It was one of the employees</p> <p>6 that did this.</p> <p>7 Q. So he said it was one of the</p> <p>8 employees that did this?</p> <p>9 A. Yeah.</p> <p>10 Q. And then what happened next?</p> <p>11 A. And then he said, you know,</p> <p>12 it's COVID. We do not have -- I said stop</p> <p>13 telling me about COVID. That has nothing</p> <p>14 do to with that because he went in person.</p> <p>15 He said okay, what you are going to do</p> <p>16 since you have the title? Can you leave</p> <p>17 the title. I said no way. He said me and</p> <p>18 my dad are going to fix that. And his dad</p> <p>19 come and present himself. He said you do</p> <p>20 not have to go to the police, things like</p> <p>21 that. We are going to ask him to bring the</p> <p>22 car back. I said no Capital One be calling</p> <p>23 me at the job. I have being stressing. I</p> <p>24 have to answer them because they think I</p> <p>25 don't want to pay them.</p>
<p style="text-align: right;">Page 79</p> <p>1 F. FRANCOIS</p> <p>2 said no, you cannot do that.</p> <p>3 Q. All right. He showed you the</p> <p>4 picture or he showed you a copy of your</p> <p>5 driver's license and Emmanuel's driver's</p> <p>6 license. What was the information that you</p> <p>7 had about that?</p> <p>8 A. First of all, I said this is</p> <p>9 the driver's license I never received from</p> <p>10 the DMV. How could you guys that? He said</p> <p>11 that this is the person who come to buy the</p> <p>12 car.</p> <p>13 Q. Okay. And go ahead. What is</p> <p>14 the next conversation that you had?</p> <p>15 A. And then I was mad. I said</p> <p>16 what you guys did is not good. He was</p> <p>17 telling me it is COVID. I said I</p> <p>18 understand a person buys the car online.</p> <p>19 Because I am customer service; I can do an</p> <p>20 account online. We do not have power to</p> <p>21 control that. But the person come in</p> <p>22 person to do this, but you do not see me.</p> <p>23 And it is my ID and you guys still sell him</p> <p>24 that. He said it was one of my employees</p> <p>25 that did that.</p>	<p style="text-align: right;">Page 81</p> <p>1 F. FRANCOIS</p> <p>2 Q. So hold on. He said leave the</p> <p>3 title for the car? He said I will take</p> <p>4 care of this if you leave the title to the</p> <p>5 car, and you said no way, right?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay. And then so why didn't</p> <p>8 you want to leave the title?</p> <p>9 A. Leave the title? What I am</p> <p>10 dealing now -- I think what they did to me</p> <p>11 is not fair putting me in stress and make</p> <p>12 me almost lose my job by crying because I</p> <p>13 come to this country to get a better life</p> <p>14 to help my family, not to be doing what</p> <p>15 they are doing to people.</p> <p>16 Atnyl: I move to strike the</p> <p>17 nonresponsive portion.</p> <p>18 Q. So did he explain to you why he</p> <p>19 needed the title?</p> <p>20 A. Yes. He said with the title</p> <p>21 they are going to ask him to bring the car</p> <p>22 and then pay the loan. They said they were</p> <p>23 take the responsibility to pay the \$20,000</p> <p>24 loan with the Capital One, which is they're</p> <p>25 going to remove everything on my name.</p>

<p style="text-align: right;">Page 82</p> <p>1 F. FRANCOIS</p> <p>2 Q. He basically said if you leave</p> <p>3 the title we are going to take care of all</p> <p>4 of this, get the car back, pay off the</p> <p>5 loan, and everything will be resolved;</p> <p>6 that's is what he told you right?</p> <p>7 A. Yeah, that's what he said.</p> <p>8 Q. Why didn't you want to do that?</p> <p>9 A. Because I know they are not</p> <p>10 going to do it.</p> <p>11 Q. How did you know they were not</p> <p>12 going to do it?</p> <p>13 A. If they were doing that, why</p> <p>14 didn't they ask him to bring the car? Why</p> <p>15 didn't he pay the loan? When he finished</p> <p>16 the lease -- they will tell me we pay the</p> <p>17 loan and you can bring the title. I will</p> <p>18 bring the title after they pay the loan.</p> <p>19 Q. What you're saying is you did</p> <p>20 not trust them to do what they said they</p> <p>21 were going to do, right?</p> <p>22 A. Yes, because they didn't want</p> <p>23 to show me the guy picture who did that.</p> <p>24 I said let get the information of the guy</p> <p>25 who sell him. I have to go to the police</p>	<p style="text-align: right;">Page 84</p> <p>1 F. FRANCOIS</p> <p>2 Then, I have all of the picture of the</p> <p>3 paper, which I take the picture. He said</p> <p>4 to me to delete it. I did not delete it.</p> <p>5 I went to the police and shared it to the</p> <p>6 police.</p> <p>7 Q. Okay. When did you take</p> <p>8 pictures of all of the papers?</p> <p>9 A. When they had it in the place.</p> <p>10 Q. In the dealership?</p> <p>11 A. Yeah.</p> <p>12 Q. I though you said before they</p> <p>13 said do not take a picture of it?</p> <p>14 A. I already took it. They say</p> <p>15 don't take it, but I already took the</p> <p>16 picture.</p> <p>17 Q. So then you went back to the</p> <p>18 police with the pictures, correct?</p> <p>19 A. Yes.</p> <p>20 Q. All right. And what happened?</p> <p>21 What did the police say at that point?</p> <p>22 A. Okay. And then they go</p> <p>23 upstairs in a room and they have a lot of</p> <p>24 information. I give them Emmanuel's</p> <p>25 information. They saw it on the driver's</p>
<p style="text-align: right;">Page 83</p> <p>1 F. FRANCOIS</p> <p>2 because maybe they did that to other people</p> <p>3 who don't know. If I did not receive the</p> <p>4 title, I will not know what happened on my</p> <p>5 name.</p> <p>6 Q. So you decided not to do what</p> <p>7 they asked you to do to fix the problem.</p> <p>8 What did you do next?</p> <p>9 MR. KESHAVARZ: Objection to</p> <p>10 the form of the question. You can</p> <p>11 answer.</p> <p>12 The question is: "What did you</p> <p>13 do next?"</p> <p>14 I object foot form of "what did</p> <p>15 you do next?" The predicate was</p> <p>16 untrue, so that is what I was</p> <p>17 objecting to.</p> <p>18 MR. GOODMAN: How is it untrue</p> <p>19 that was her testimony?</p> <p>20 MR. KESHAVARZ: All right.</p> <p>21 What did you do next? Go ahead.</p> <p>22 A. Next, when they said that, I</p> <p>23 when the to the police because the police</p> <p>24 was needing me to get information about</p> <p>25 Emmanuel Laforest, the ID, all of that.</p>	<p style="text-align: right;">Page 85</p> <p>1 F. FRANCOIS</p> <p>2 license and compared with what they have in</p> <p>3 their thing. They bring a big picture and</p> <p>4 showed me this is him. This is him. This</p> <p>5 is him. And I said yes, this is the same</p> <p>6 person. And they said okay, they are going</p> <p>7 to pursue with the thing. And this is what</p> <p>8 happened.</p> <p>9 Q. Okay. When is the next time</p> <p>10 you talked to the police after they said we</p> <p>11 are going to pursue him?</p> <p>12 A. They called me and said they</p> <p>13 are going to -- they arrested him. And</p> <p>14 they called me and said they arrested him</p> <p>15 and they are going to send me a picture to</p> <p>16 identify if it is him.</p> <p>17 Q. And did that happen?</p> <p>18 A. Yes, it did. They sent me a</p> <p>19 picture.</p> <p>20 Q. During this process when is the</p> <p>21 first time you spoke to your husband</p> <p>22 Stanley Laforest about what you were doing</p> <p>23 with the police?</p> <p>24 A. He is the one saying I want you</p> <p>25 to go to the police because you don't know</p>

<p style="text-align: right;">Page 86</p> <p>1 F. FRANCOIS</p> <p>2 everything my brother did to the car. He</p> <p>3 may end up doing something and kill someone</p> <p>4 and use the car or whatever, and it is</p> <p>5 going to end up going to you because the</p> <p>6 car is in your name and you could get</p> <p>7 arrested for that.</p> <p>8 Q. Did there come a time that you</p> <p>9 learned the dealership actually did get the</p> <p>10 car back from Emmanuel Laforest?</p> <p>11 MR. KESHAVARZ: Objection to</p> <p>12 form. Go ahead.</p> <p>13 A. The guy, the son's dealer, they</p> <p>14 called me he. Told me we have the car</p> <p>15 back. He did not get the car back because</p> <p>16 my husband saw Emmanuel with the car. The</p> <p>17 day he told me he has the car, he not have</p> <p>18 the car.</p> <p>19 Q. Do you think they ever got the</p> <p>20 car back?</p> <p>21 A. I don't know. I never asked</p> <p>22 because they were calling me to bring the</p> <p>23 title, title, title. And I blocked the</p> <p>24 number. And I was blocking every number I</p> <p>25 did not know because I was scared.</p>	<p style="text-align: right;">Page 88</p> <p>1 F. FRANCOIS</p> <p>2 they title and we do the Capital One, but</p> <p>3 they never explained to me we need the</p> <p>4 title to pay Capital One.</p> <p>5 Q. Okay. So what's the next</p> <p>6 interaction you had with the police about</p> <p>7 this situation after they sent you that</p> <p>8 picture of him?</p> <p>9 A. I said that was him, and after</p> <p>10 that I received call from Brooklyn federal,</p> <p>11 which I received a call. There was a woman</p> <p>12 calling me and explaining to me all of the</p> <p>13 process. And then also they were giving</p> <p>14 me, the police, I think, where I am he</p> <p>15 can't be close to me because I been</p> <p>16 receiving people calling me telling me</p> <p>17 things like that.</p> <p>18 I said to them I am even scared</p> <p>19 to go to work because I don't want them to</p> <p>20 come to my job. And she was telling me all</p> <p>21 of the process.</p> <p>22 Q. Now, who was this woman? You</p> <p>23 said a woman called you?</p> <p>24 A. My lawyer has the name of that.</p> <p>25 It is Brooklyn federal. It is the federal</p>
<p style="text-align: right;">Page 87</p> <p>1 F. FRANCOIS</p> <p>2 Q. So if we have pictures of the</p> <p>3 car being brought back, would that change</p> <p>4 your impression of whether the car was</p> <p>5 taken back or not?</p> <p>6 MR. KESHAVARZ: Objection form.</p> <p>7 It's also speculation.</p> <p>8 Q. You can answer.</p> <p>9 A. No, because for me that does</p> <p>10 not mean nothing because what they were</p> <p>11 doing with Emmanuel. Bring the car, not</p> <p>12 bring the car. They are still not paying</p> <p>13 the Capital One. It is still affected</p> <p>14 online.</p> <p>15 Q. You understand they could not</p> <p>16 pay Capital One unless they have the title?</p> <p>17 MR. KESHAVARZ: Objection,</p> <p>18 form. No predicate for testifying,</p> <p>19 but you can go ahead and answer the</p> <p>20 question, if you know.</p> <p>21 A. I don't know.</p> <p>22 Q. Okay. Did anybody at the</p> <p>23 dealership explain to you we need the title</p> <p>24 in order to pay off Capital One?</p> <p>25 A. They were telling me you bring</p>	<p style="text-align: right;">Page 89</p> <p>1 F. FRANCOIS</p> <p>2 court, the lawyer in front of him was going</p> <p>3 to have to go to the court every time.</p> <p>4 Q. It is a district attorney, a</p> <p>5 prosecuting attorney?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And you gave your lawyer</p> <p>8 that name?</p> <p>9 A. Yeah, they have woman name who</p> <p>10 was to call me.</p> <p>11 Q. When did you give your lawyer</p> <p>12 that name?</p> <p>13 MR. KESHAVARZ: Do not talk</p> <p>14 about when you gave me information.</p> <p>15 You can talk about when you got it,</p> <p>16 but you can't talk about your</p> <p>17 communication.</p> <p>18 MR. GOODMAN: I am not asking</p> <p>19 your communication. I am asking the</p> <p>20 date. That's not communication.</p> <p>21 A. The day that the woman contact</p> <p>22 me?</p> <p>23 Q. What is the date the woman</p> <p>24 contacted you?</p> <p>25 A. I would have to go through all</p>

<p style="text-align: right;">Page 90</p> <p>1 F. FRANCOIS</p> <p>2 of my emails. It was by email, then she</p> <p>3 was trying to call me, but I never</p> <p>4 answered. And then she sent me an email.</p> <p>5 Did you need it now?</p> <p>6 MR. GOODMAN: We can leave a</p> <p>7 blank in the transcript if the court</p> <p>8 reporter would do that?</p> <p>9 A. (Information requested: _____</p> <p>10 _____).</p> <p>11 Q. After that date, how long after</p> <p>12 that did you call the your attorney?</p> <p>13 A. I don't remember.</p> <p>14 Q. Was it a day? Was it a week?</p> <p>15 Was it a month?</p> <p>16 MR. KESHAVARZ: Asked and</p> <p>17 answered. She said she did not</p> <p>18 answer.</p> <p>19 MR. GOODMAN: Asked and</p> <p>20 answered from you, that's pretty</p> <p>21 rich.</p> <p>22 Q. Go ahead. You can answer.</p> <p>23 A. I don't remember.</p> <p>24 Q. I am asking you if you can</p> <p>25 approximate whether it was a short length</p>	<p style="text-align: right;">Page 92</p> <p>1 F. FRANCOIS</p> <p>2 I also -- when I got on the phone with her,</p> <p>3 she told me I was telling her that I just</p> <p>4 received a call, and which is when that</p> <p>5 person said it me. And she said okay, we</p> <p>6 are going to give the police restrict</p> <p>7 something, like that he can't be close to</p> <p>8 you. She was telling me he is going to</p> <p>9 have to come and have a code for him to go,</p> <p>10 and I don't have to be face-to-face to him,</p> <p>11 which is like basically telling me all of</p> <p>12 the process, how they are going to do</p> <p>13 everything in the Brooklyn court.</p> <p>14 Q. Did that happen? Did he come</p> <p>15 to court?</p> <p>16 A. The last time I spoke to her</p> <p>17 she was telling me he had a court in April.</p> <p>18 I don't know if he went, if he didn't went.</p> <p>19 I don't know.</p> <p>20 Q. Did there ever come a point she</p> <p>21 told you the case had been dismissed?</p> <p>22 A. No.</p> <p>23 Q. Did there of come a point you</p> <p>24 told her you did not want to prosecute the</p> <p>25 case?</p>
<p style="text-align: right;">Page 91</p> <p>1 F. FRANCOIS</p> <p>2 of time, a long length of time, a month of</p> <p>3 time, a year of time.</p> <p>4 MR. KESHAVARZ: Objection to</p> <p>5 the form of the question.</p> <p>6 A. I don't remember. That's all I</p> <p>7 can say. Because I don't remember really</p> <p>8 because me and her we spoke multiple times.</p> <p>9 I don't remember.</p> <p>10 Q. Okay. And this prosecutor you</p> <p>11 spoke to many times, when is the last time</p> <p>12 you spoke to her?</p> <p>13 A. The last time I spoke to her</p> <p>14 was in 2021.</p> <p>15 Q. Okay.</p> <p>16 A. I don't remember. I can't give</p> <p>17 you the date of the year. I don't</p> <p>18 remember.</p> <p>19 Q. All right. What was that</p> <p>20 conversation? What did you say to her and</p> <p>21 what did she say to you?</p> <p>22 A. She was going over all they</p> <p>23 already know about, what the police already</p> <p>24 told her. And then she will repeat</p> <p>25 everything, and I said to her yes, and then</p>	<p style="text-align: right;">Page 93</p> <p>1 F. FRANCOIS</p> <p>2 A. No, I never said that to her.</p> <p>3 Q. Okay. Do you know what</p> <p>4 happened to the case?</p> <p>5 A. I don't know what happened to</p> <p>6 the case.</p> <p>7 Q. You never wanted to find out?</p> <p>8 You never wanted to call her and ask what</p> <p>9 happened to that case?</p> <p>10 A. No, because she was telling me</p> <p>11 it was another attorney was going to do the</p> <p>12 case because she just have to tell me and</p> <p>13 get all of the information for me, but</p> <p>14 another person is going to contact me.</p> <p>15 Q. Did that other person ever</p> <p>16 contact you?</p> <p>17 A. No, they did not contact me.</p> <p>18 Q. Again, maybe I asked it, maybe</p> <p>19 she answered.</p> <p>20 What was the date? When was</p> <p>21 the last time you had that conversation</p> <p>22 with the prosecutor?</p> <p>23 A. I don't remember.</p> <p>24 Q. I think you said 2021?</p> <p>25 A. Yeah, I spoke to her when she</p>

<p style="text-align: right;">Page 94</p> <p>1 F. FRANCOIS</p> <p>2 was telling me he has a court.</p> <p>3 Q. He has what?</p> <p>4 A. He has a court. He has to go</p> <p>5 to the court. It was in 2021.</p> <p>6 Q. I mean, early 2021, late 2021?</p> <p>7 A. I don't remember.</p> <p>8 Q. Okay. When is the last time</p> <p>9 you had any conversation with anyone at the</p> <p>10 dealership?</p> <p>11 A. For the dealership it was in</p> <p>12 2020 because nobody ever called me or said</p> <p>13 anything else.</p> <p>14 Q. I think you testified that you</p> <p>15 blocked their number?</p> <p>16 A. Yeah, I blocked there son</p> <p>17 number because sometimes he called me in</p> <p>18 the number and sometimes he called me at</p> <p>19 different number. I don't know if it was</p> <p>20 him, if it was Emmanuel friend had been</p> <p>21 texting me. I don't know. I was scared</p> <p>22 and all I wanted to do is block everyone</p> <p>23 who deals with that because I did not want</p> <p>24 nobody to wait for me on the street and end</p> <p>25 up doing something to me.</p>	<p style="text-align: right;">Page 96</p> <p>1 F. FRANCOIS</p> <p>2 because I was at work.</p> <p>3 Q. You were what?</p> <p>4 A. I was at work, working.</p> <p>5 Q. So you said yes, yes to what?</p> <p>6 A. Yes to I will call you. I will</p> <p>7 let you know when, and then that's it.</p> <p>8 Q. And then you decided never to</p> <p>9 call him back?</p> <p>10 A. Yeah.</p> <p>11 Q. You never did call him back?</p> <p>12 A. No.</p> <p>13 Q. Okay. And he had told you in</p> <p>14 the last conversation we have the car, if</p> <p>15 you bring the title we can take care of all</p> <p>16 of this, right?</p> <p>17 MR. KESHAVARZ: Objection,</p> <p>18 form.</p> <p>19 Q. You can answer.</p> <p>20 A. He did not say it like that.</p> <p>21 Q. What did he say? Tell me what</p> <p>22 he said.</p> <p>23 A. He said bring the title</p> <p>24 Emmanuel bring the car and this is when I</p> <p>25 say to him okay. I called my husband. He</p>
<p style="text-align: right;">Page 95</p> <p>1 F. FRANCOIS</p> <p>2 Q. Did you think someone from the</p> <p>3 dealership was going to wait for you on the</p> <p>4 street?</p> <p>5 A. Maybe the guy who did that was</p> <p>6 there if it was a friend doing that with</p> <p>7 him with people ID and information. If</p> <p>8 they did that, what could they not do?</p> <p>9 MR. GOODMAN: I move to strike</p> <p>10 the nonresponsive portion.</p> <p>11 Q. So you testified that there</p> <p>12 were calls that came to you from the</p> <p>13 dealership after the time that you were</p> <p>14 there the second time, correct?</p> <p>15 A. Yes, correct.</p> <p>16 Q. Did you take those calls?</p> <p>17 A. Yes, the son owner I spoke to</p> <p>18 him, which he was telling me that to bring</p> <p>19 the title. And then he told me that they</p> <p>20 got the car, they just waiting for me to</p> <p>21 bring the title.</p> <p>22 Q. Okay. And what did you tell</p> <p>23 him?</p> <p>24 A. I just said to him yes because</p> <p>25 I did not want to continue the conversation</p>	<p style="text-align: right;">Page 97</p> <p>1 F. FRANCOIS</p> <p>2 said no, my auntie just saw Emmanuel just</p> <p>3 in the car, which is true. Emmanuel was in</p> <p>4 the car. And they did not get the car.</p> <p>5 That's how I knew they were lying.</p> <p>6 Q. That's what you told them? I</p> <p>7 am not asking what you thought. I am</p> <p>8 asking what you said to the person from the</p> <p>9 dealership when they said we have the car</p> <p>10 just bring in the title.</p> <p>11 A. I just said to them yeah,</p> <p>12 okay.</p> <p>13 Q. And that was the end of the</p> <p>14 conversation?</p> <p>15 A. Yeah, because I was at work.</p> <p>16 I did not want to continue the conversation</p> <p>17 because I had customer in front of me.</p> <p>18 Q. A customer told you?</p> <p>19 A. I customer in front of me. I</p> <p>20 was opening an account for a customer.</p> <p>21 Q. And that was the last</p> <p>22 conversation you had with anybody at the</p> <p>23 dealer ship?</p> <p>24 A. After this, they tried to call</p> <p>25 me and I did not pic up the phone again.</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 F. FRANCOIS</p> <p>2 Q. When was the first time you</p> <p>3 spoke to your attorney that's on this</p> <p>4 deposit right now?</p> <p>5 MR. KESHAVARZ: He is just</p> <p>6 asking for a date.</p> <p>7 MR. GOODMAN: I am asking the</p> <p>8 questions.</p> <p>9 Q. What is the date, when did you</p> <p>10 first speak to Mr. Keshavarz?</p> <p>11 MR. KESHAVARZ: Just the date,</p> <p>12 go ahead.</p> <p>13 A. I don't remember the date.</p> <p>14 Q. Okay. What time of year was</p> <p>15 it?</p> <p>16 A. The time? It was in the</p> <p>17 afternoon. That's all I mean.</p> <p>18 Q. The time of year, not the time</p> <p>19 of day. Was it winter? Was it summer was?</p> <p>20 Outside, was snow on the ground?</p> <p>21 A. No, I was at work when I called</p> <p>22 him. I was at work and then I called him</p> <p>23 from my work phone.</p> <p>24 Q. Was it before or after you went</p> <p>25 to the dealership to talk about the --</p>	<p style="text-align: right;">Page 100</p> <p>1 F. FRANCOIS</p> <p>2 2021 that you first spoke to Mr. Keshavarz?</p> <p>3 MR. KESHAVARZ: Objection to</p> <p>4 form.</p> <p>5 A. Because the thing happened in</p> <p>6 2020, okay? If this happened in 2020, I</p> <p>7 did not contact any lawyer after that. I</p> <p>8 was trying to resolve anything if they can</p> <p>9 remove with Capital One and fix everything</p> <p>10 they did on my credit. All of those</p> <p>11 things, which they never did anything.</p> <p>12 Which is, like I said, I have to file a</p> <p>13 lawyer. It was the next year I am pretty</p> <p>14 sure. I am not really sure.</p> <p>15 Q. Capital One did rescinded your</p> <p>16 loan, correct?</p> <p>17 A. Say that again.</p> <p>18 Q. They fixed the problem with the</p> <p>19 loan on the car, correct, capital one?</p> <p>20 MR. KESHAVARZ: Objection to</p> <p>21 form.</p> <p>22 A. I don't know because I never</p> <p>23 checked with them because I received a lot</p> <p>24 of letter from them, and I gave to my</p> <p>25 lawyer.</p>
<p style="text-align: right;">Page 99</p> <p>1 F. FRANCOIS</p> <p>2 A. It --</p> <p>3 Q. You have to let me finish the</p> <p>4 question.</p> <p>5 Was it before or after you went</p> <p>6 the dealership to talk about the problem</p> <p>7 with the BMW?</p> <p>8 MR. KESHAVARZ: Objection to</p> <p>9 form. Go ahead. Was it before or</p> <p>10 after.</p> <p>11 A. I think it was after. This is</p> <p>12 a long time after.</p> <p>13 Q. Okay. How long after?</p> <p>14 A. Because what they did to me</p> <p>15 happened in 2020 because I remember I spoke</p> <p>16 to my lawyers between 2021, I guess. Yeah,</p> <p>17 because when actually I had been received</p> <p>18 letter from Capital One and when I called</p> <p>19 company Capital One I received letter from</p> <p>20 ATM -- MTA. And then also from parking</p> <p>21 ticket, a lot of tickets. It was driving</p> <p>22 my crazy.</p> <p>23 MR. KESHAVARZ: Just pause for</p> <p>24 a second.</p> <p>25 Q. Now, you are saying it was in</p>	<p style="text-align: right;">Page 101</p> <p>1 F. FRANCOIS</p> <p>2 Q. As we sit here today was it</p> <p>3 your understanding the loan from Capital</p> <p>4 One in your name is still open?</p> <p>5 MR. KESHAVARZ: Objection to</p> <p>6 form go ahead.</p> <p>7 A. I don't know if it is still</p> <p>8 open.</p> <p>9 Q. Okay. When you first spoke to</p> <p>10 a lawyer, who was it? Who is the first</p> <p>11 lawyer you spoke to?</p> <p>12 A. The first lawyer I spoke about</p> <p>13 the case?</p> <p>14 Q. Yes.</p> <p>15 A. I spoke with my lawyer and then</p> <p>16 get my lawyer that's it.</p> <p>17 Q. Who was it?</p> <p>18 MR. KESHAVARZ: He is just</p> <p>19 asking a name. If you know the first</p> <p>20 lawyer that spoke to you about what</p> <p>21 happened.</p> <p>22 A. When I called it was Emma, and</p> <p>23 they put me to Ahmad.</p> <p>24 Q. And you do not know when that</p> <p>25 conversation was in 2021?</p>

<p style="text-align: right;">Page 102</p> <p>1 F. FRANCOIS</p> <p>2 A. I had conversation in 2021.</p> <p>3 Q. Wait, what?</p> <p>4 A. 2021.</p> <p>5 Q. Okay. When did you retain your</p> <p>6 lawyer in this case?</p> <p>7 MR. KESHAVARZ: Objection.</p> <p>8 A. I don't understand.</p> <p>9 Q. Did you sign some papers that</p> <p>10 Mr. Keshavarz's law firm is going to be</p> <p>11 your attorney in this case?</p> <p>12 A. Yes.</p> <p>13 Q. When was that?</p> <p>14 A. I don't know the date. Not the</p> <p>15 date that I really spoke to him, but after</p> <p>16 we decide I said I want him it present to</p> <p>17 me.</p> <p>18 Q. Was it your understanding that</p> <p>19 that representation was to file a lawsuit</p> <p>20 or for something else?</p> <p>21 A. I was considering that with</p> <p>22 everything that I was doing. I could not</p> <p>23 say to you.</p> <p>24 Q. In other words, to help you</p> <p>25 through the process of the letters and the</p>	<p style="text-align: right;">Page 104</p> <p>1 F. FRANCOIS</p> <p>2 MR. GOODMAN: We are not going</p> <p>3 to break with an open question.</p> <p>4 That's for sure.</p> <p>5 MR. KESHAVARZ: I am not saying</p> <p>6 that.</p> <p>7 Q. You can answer, Ms. Francois?</p> <p>8 A. Can you repeat the question</p> <p>9 again?</p> <p>10 Q. What I am asking is you told us</p> <p>11 you have everything, that is with your</p> <p>12 terminology; you had everything. All of</p> <p>13 that documents you have, the papers from</p> <p>14 the MTA and the parking tickets and Capital</p> <p>15 One and all of that, right?</p> <p>16 A. Yes.</p> <p>17 Q. And then when you signed up</p> <p>18 with your attorney the purpose of that was</p> <p>19 to have assistance to work through all of</p> <p>20 that, to deal with all of that, right?</p> <p>21 MR. KESHAVARZ: Objection to</p> <p>22 the form of the question.</p> <p>23 A. Yes.</p> <p>24 Q. Okay. At that point was your</p> <p>25 purpose to file a lawsuit?</p>
<p style="text-align: right;">Page 103</p> <p>1 F. FRANCOIS</p> <p>2 tolls and tickets and all of that stuff?</p> <p>3 A. I already have everything.</p> <p>4 Q. Say it again. I'm sorry. I</p> <p>5 did not understand.</p> <p>6 A. I already have everything</p> <p>7 because everything was coming in my mail</p> <p>8 every week. I already have everything.</p> <p>9 Q. When you say you "have</p> <p>10 everything," what do you mean?</p> <p>11 A. MTA, parking ticket, Capital</p> <p>12 One, all of that.</p> <p>13 Q. Okay. I understand you have</p> <p>14 all of that documentation that is what you</p> <p>15 are saying, right?</p> <p>16 A. Mm-hm.</p> <p>17 Q. You have to say "yes."</p> <p>18 A. Yes.</p> <p>19 Q. My question is, you had all of</p> <p>20 that, you went to the lawyer to help you</p> <p>21 work through all of that, correct?</p> <p>22 MR. KESHAVARZ: Objection to</p> <p>23 the form of the question.</p> <p>24 Whenever you are good for a</p> <p>25 lunch break.</p>	<p style="text-align: right;">Page 105</p> <p>1 F. FRANCOIS</p> <p>2 MR. KESHAVARZ: Objection to</p> <p>3 form. He is not asking for our</p> <p>4 conversation he is just asking what</p> <p>5 your thought was.</p> <p>6 A. Okay.</p> <p>7 Q. Did you go to your lawyer to</p> <p>8 file a lawsuit?</p> <p>9 MR. KESHAVARZ: Objection to</p> <p>10 form. You can go ahead.</p> <p>11 A. I went to my lawyer first to</p> <p>12 get all of those things and help me fix</p> <p>13 what they did on my name. That is the</p> <p>14 first thing I went to my lawyer to do.</p> <p>15 For me remove all of my credit online,</p> <p>16 TransUnion, Experian. My plan is to work</p> <p>17 and save my money and buy a house. And I</p> <p>18 was not able to do because I had to hire a</p> <p>19 lawyer to fix all of my stuff because it</p> <p>20 was too much for me.</p> <p>21 Q. Okay. You understand that you</p> <p>22 are now in a lawsuit? Your lawyers filed</p> <p>23 on your behalf a lawsuit against the</p> <p>24 dealership and some individual people; you</p> <p>25 understand that, correct?</p>

<p style="text-align: right;">Page 106</p> <p>1 F. FRANCOIS</p> <p>2 A. Yes.</p> <p>3 Q. Whose idea was it to file a</p> <p>4 lawsuit?</p> <p>5 MR. KESHAVARZ: Objection to</p> <p>6 the form of the question. Don't</p> <p>7 answer.</p> <p>8 You're talking about</p> <p>9 communications with my client. I am</p> <p>10 not going to allow her to answer that</p> <p>11 one.</p> <p>12 Q. When was it that there was a</p> <p>13 decision to file a lawsuit?</p> <p>14 MR. KESHAVARZ: Do not answer</p> <p>15 that.</p> <p>16 MR. GOODMAN: I am asking about</p> <p>17 a date.</p> <p>18 A. For me it is the same question</p> <p>19 you asked me before. It is like your same</p> <p>20 question.</p> <p>21 Q. It is not the same question, so</p> <p>22 I am asking you a timeframe.</p> <p>23 When was it that a decision was</p> <p>24 made to file a lawsuit?</p> <p>25 MR. KESHAVARZ: Objection to</p>	<p style="text-align: right;">Page 108</p> <p>1 F. FRANCOIS</p> <p>2 remember. I am trying to remember.</p> <p>3 Q. I'm just going to ask --</p> <p>4 A. I was really stressing. All I</p> <p>5 remember was my job was too much calling.</p> <p>6 My bos was telling me take one week stay</p> <p>7 home and fix about that, which that was too</p> <p>8 much for me.</p> <p>9 Q. When was it that your boss told</p> <p>10 you to take a week?</p> <p>11 A. It was when they were like</p> <p>12 calling me up, right, September or October</p> <p>13 the dealer was calling me, Emmanuel was</p> <p>14 calling me, and his friend was calling me.</p> <p>15 I don't even answer Capital One, the one</p> <p>16 was calling me most.</p> <p>17 Q. When was that? Was that in</p> <p>18 2020? Was that in 2021?</p> <p>19 A. Yeah, 2020.</p> <p>20 Q. It was in 2020. Who was</p> <p>21 Emmanuel's friend that was calling you?</p> <p>22 A. I don't know. They were just</p> <p>23 calling and then saying telling me that's</p> <p>24 not going to stop, that's not going to stay</p> <p>25 like that.</p>
<p style="text-align: right;">Page 107</p> <p>1 F. FRANCOIS</p> <p>2 the form of the question.</p> <p>3 Not asking about our</p> <p>4 communications. If you have an</p> <p>5 answer based on your own knowledge,</p> <p>6 not from your conversations.</p> <p>7 MR. GOODMAN: All right, that</p> <p>8 is a talking objection. We can do</p> <p>9 without that.</p> <p>10 Q. Go ahead Ms. Francois, you can</p> <p>11 answer the question.</p> <p>12 A. I don't remember the date. I</p> <p>13 don't remember nothing about it.</p> <p>14 Q. You do not remember anything</p> <p>15 about that?</p> <p>16 MR. KESHAVARZ: Objection to</p> <p>17 the form of the question. You can</p> <p>18 answer.</p> <p>19 A. I feel like I am --</p> <p>20 (Indiscernible.)</p> <p>21 Q. You feel like what? I'm sorry.</p> <p>22 A. I don't remember.</p> <p>23 Q. You said you feel like</p> <p>24 something.</p> <p>25 A. I said I feel like I don't</p>	<p style="text-align: right;">Page 109</p> <p>1 F. FRANCOIS</p> <p>2 MR. GOODMAN: Mr. Keshavarz is</p> <p>3 very hungry. Let's take a lunch</p> <p>4 break.</p> <p>5 (Whereupon, a short recess was</p> <p>6 taken.)</p> <p>7 (Whereupon, at 2:17 P.M., Court</p> <p>8 Reporter Victoria Chumas was relieved</p> <p>9 by Sophia Toribio.)</p> <p>10 EXAMINATION BY</p> <p>11 MR. GOODMAN:</p> <p>12 Q. Ms. Francois, a couple of</p> <p>13 questions I forgot from earlier: Have you</p> <p>14 been known by any other names other than</p> <p>15 Farah Jean Francois?</p> <p>16 A. No, Farah Jean Francois.</p> <p>17 Q. Have you ever been known as</p> <p>18 Farah Felix?</p> <p>19 A. No.</p> <p>20 Q. Did you ever adopt the name</p> <p>21 Laforest as your married them?</p> <p>22 A. No, I'm still keeping my dad</p> <p>23 name.</p> <p>24 Q. I'm sorry?</p> <p>25 A. I'm still keeping my dad name.</p>

<p style="text-align: right;">Page 110</p> <p>1 F. FRANCOIS</p> <p>2 I never changed by name, Farah Jean</p> <p>3 Francois.</p> <p>4 Q. Also, you testified from</p> <p>5 receiving some, I believe you said they</p> <p>6 were text messages telling you things like</p> <p>7 don't come back to Brooklyn, you correct me</p> <p>8 if I'm wrong. Were those in the form of</p> <p>9 text messages?</p> <p>10 A. Yeah, it was in the text</p> <p>11 message.</p> <p>12 Q. You got text messages that you</p> <p>13 interpreted as being threatening to you; is</p> <p>14 that fair?</p> <p>15 A. Yes.</p> <p>16 Q. Do you still have those text</p> <p>17 messages?</p> <p>18 A. No, because I lost that phone.</p> <p>19 Q. What was the number of that</p> <p>20 phone?</p> <p>21 A. The phone number, it was the</p> <p>22 same. The phone number I have is the same</p> <p>23 number.</p> <p>24 Q. Who was the phone provider?</p> <p>25 A. It was a Samsung. The phone</p>	<p style="text-align: right;">Page 112</p> <p>1 F. FRANCOIS</p> <p>2 happening and only know what was happening</p> <p>3 and then explain the same, that's all.</p> <p>4 Q. When was that that you did</p> <p>5 that? You're talking about a conversation</p> <p>6 you had with your attorney?</p> <p>7 A. No.</p> <p>8 Q. Okay. I'm asking what you did</p> <p>9 to prepare for your deposition today.</p> <p>10 A. (No response.)</p> <p>11 Q. Did you talk to your attorney;</p> <p>12 yes or no?</p> <p>13 A. Yeah, I talk with my attorney,</p> <p>14 yeah.</p> <p>15 Q. Was it both of them, Emma and</p> <p>16 Ahmad, or just one of them?</p> <p>17 A. Yeah, both of them. I was in</p> <p>18 communication with both of them.</p> <p>19 Q. When were you last in</p> <p>20 communication with both of them?</p> <p>21 A. This morning, to remind me the</p> <p>22 time. Because I was at work, do not forget</p> <p>23 about the time that I have to be home.</p> <p>24 Q. How long did you talk to them</p> <p>25 this morning?</p>
<p style="text-align: right;">Page 111</p> <p>1 F. FRANCOIS</p> <p>2 was a Samsung.</p> <p>3 Q. Was it AT&T or was it T-Mobile?</p> <p>4 A. It was T-Mobile, I guess.</p> <p>5 Q. So, you lost that phone and</p> <p>6 replaced it with the same number?</p> <p>7 A. Yeah, the same number. I still</p> <p>8 have the same number.</p> <p>9 Q. What is that number?</p> <p>10 A. (917) 291-5097.</p> <p>11 Q. So, we were talking about when</p> <p>12 you retained your attorney.</p> <p>13 Tell me what you did in</p> <p>14 preparation for this deposition.</p> <p>15 A. Say that again, sorry.</p> <p>16 Q. What did you do to prepare for</p> <p>17 this deposition?</p> <p>18 MR. KESHAVARZ: He's not asking</p> <p>19 what was said between us, if</p> <p>20 anything. He's just asking what you</p> <p>21 did, not the contents of what you</p> <p>22 did. Go ahead.</p> <p>23 A. Okay. What I did, just like</p> <p>24 everything that happened to tell you. To</p> <p>25 explain everything the same way that's</p>	<p style="text-align: right;">Page 113</p> <p>1 F. FRANCOIS</p> <p>2 A. How long?</p> <p>3 Q. How long?</p> <p>4 A. Maybe about 20 minutes or</p> <p>5 10 minutes.</p> <p>6 Q. Before that, when was the last</p> <p>7 time you spoke to them in preparation for</p> <p>8 this deposition?</p> <p>9 A. I spoke with them yesterday,</p> <p>10 with Emma yesterday.</p> <p>11 Q. Just yes or no, did the</p> <p>12 conversation include what happened at the</p> <p>13 deposition yesterday of the Defendant?</p> <p>14 A. I don't understand.</p> <p>15 Q. Did that conversation include</p> <p>16 discussion about a deposition that happened</p> <p>17 in this case yesterday?</p> <p>18 A. Yeah, what's going to happen,</p> <p>19 everything.</p> <p>20 Q. No. I'm asking about a</p> <p>21 deposition that happened in this case of a</p> <p>22 witness from one of the Defendants that was</p> <p>23 deposed yesterday, did you talk about that?</p> <p>24 A. I don't remember.</p> <p>25 Q. You can't remember from</p>

<p style="text-align: right;">Page 114</p> <p>1 F. FRANCOIS</p> <p>2 yesterday?</p> <p>3 A. I don't remember because I</p> <p>4 don't understand really what you're trying</p> <p>5 to ask me.</p> <p>6 Q. What I'm trying to ask you is</p> <p>7 whether you had a discussion with your</p> <p>8 attorneys, Emma, I guess it was, about a</p> <p>9 deposition in this case of a witness,</p> <p>10 someone that you sued in this case, that</p> <p>11 happened yesterday?</p> <p>12 MR. KESHAVARZ: This is</p> <p>13 attorney-client privilege, but go</p> <p>14 ahead I'll let her answer this one</p> <p>15 question.</p> <p>16 THE WITNESS: I don't</p> <p>17 understand the question.</p> <p>18 MR. KESHAVARZ: I can tell you</p> <p>19 the answer, Nicholas. The answer is</p> <p>20 no, but if you want to keep on asking</p> <p>21 it, go ahead.</p> <p>22 MR. GOODMAN: Well, as I</p> <p>23 understand, you weren't part of that</p> <p>24 conversation, Ahmad, it was Emma.</p> <p>25 MR. KESHAVARZ: Go ahead. Go</p>	<p style="text-align: right;">Page 116</p> <p>1 F. FRANCOIS</p> <p>2 said, I was at work, I was with my patient,</p> <p>3 giving one of my patient medication. She</p> <p>4 called me, I just pick up the phone and</p> <p>5 then she just told me remember tomorrow is</p> <p>6 the day, if you receive all the papers,</p> <p>7 that you have to check all those papers. I</p> <p>8 say okay. And then she say okay, we will</p> <p>9 call you tomorrow morning just to remind</p> <p>10 you again.</p> <p>11 Q. Okay, so the answer is no.</p> <p>12 So, Ms. Francois, what were all</p> <p>13 the papers? Did you review any papers in</p> <p>14 preparation for your deposition?</p> <p>15 A. The paper that she's talking</p> <p>16 about is like the same paper you have.</p> <p>17 This one that you're showing me, that's the</p> <p>18 ones that I was trying to go to my e-mail</p> <p>19 to just look at now. I wasn't able to do</p> <p>20 that.</p> <p>21 Q. You tell me, what were the</p> <p>22 papers?</p> <p>23 A. The same one that you shared to</p> <p>24 the screen.</p> <p>25 Q. The one I shared to the screen</p>
<p style="text-align: right;">Page 115</p> <p>1 F. FRANCOIS</p> <p>2 ahead, ask your question.</p> <p>3 MR. GOODMAN: Can the Reporter</p> <p>4 read back the question, please.</p> <p>5 (Whereupon, the referred to</p> <p>6 question was read back by the</p> <p>7 Reporter.)</p> <p>8 A. No.</p> <p>9 Q. How long was your conversation</p> <p>10 with Emma yesterday?</p> <p>11 A. I don't remember, because I was</p> <p>12 not keeping remember all the conversation I</p> <p>13 had with them.</p> <p>14 Q. What time of day did that</p> <p>15 discussion take place?</p> <p>16 A. The time? I was at work when</p> <p>17 Emma called me. I don't remember what time</p> <p>18 it is, because I was giving my patient</p> <p>19 medication and I was taking care of a</p> <p>20 patient and I just pick up the phone.</p> <p>21 Q. So, you don't remember what</p> <p>22 time it was and you don't remember how long</p> <p>23 it was, right, even though it was just</p> <p>24 yesterday?</p> <p>25 A. Because I was at work. Like I</p>	<p style="text-align: right;">Page 117</p> <p>1 F. FRANCOIS</p> <p>2 was the Capital One Fraud Submission?</p> <p>3 A. I'm pretty sure that's one of</p> <p>4 the thing. Something like that they might</p> <p>5 e-mail it to me.</p> <p>6 Q. My question is very simple,</p> <p>7 it's not difficult. What documents did you</p> <p>8 review in preparation for your deposition</p> <p>9 today?</p> <p>10 A. What paper that I review?</p> <p>11 Q. Correct.</p> <p>12 A. All the paper that you have</p> <p>13 there.</p> <p>14 Q. How do you know what I have?</p> <p>15 A. Well, the paper that I know you</p> <p>16 have, all that I see that happen to the</p> <p>17 case, all the paper, that's all the paper.</p> <p>18 From the Capital One, from the dealership,</p> <p>19 all those papers.</p> <p>20 MR. GOODMAN: Move to strike</p> <p>21 the nonresponsive portions.</p> <p>22 Q. Ms. Francois, did your</p> <p>23 attorneys send you papers to look at in</p> <p>24 preparation for your deposition?</p> <p>25 A. Did my attorney send me paper</p>

<p style="text-align: right;">Page 118</p> <p>1 F. FRANCOIS</p> <p>2 to look at? Yeah, they send me paper.</p> <p>3 They send me a paper from -- this morning</p> <p>4 they send me an e-mail. If I'm right, this</p> <p>5 morning they send me an e-mail and</p> <p>6 yesterday again they would send me an</p> <p>7 e-mail also.</p> <p>8 Q. So, what documents were in that</p> <p>9 e-mail for you to review in preparation for</p> <p>10 your deposition?</p> <p>11 A. It's my deposition that I did.</p> <p>12 Q. What do you mean by that? What</p> <p>13 deposition did you do?</p> <p>14 A. I have to go to my e-mail to</p> <p>15 look at this thing.</p> <p>16 MR. KESHAVARZ: Don't check</p> <p>17 your e-mail. The question is: Do</p> <p>18 you remember what you reviewed or</p> <p>19 not?</p> <p>20 Q. You said a deposition that you</p> <p>21 gave, what deposition did you give?</p> <p>22 A. All those paper that you have</p> <p>23 in your hand, just to look at all those</p> <p>24 paper again, like I say to you.</p> <p>25 Q. Let me ask you one more time:</p>	<p style="text-align: right;">Page 120</p> <p>1 F. FRANCOIS</p> <p>2 like I told you, bring me to the office and</p> <p>3 I sit down with him and he called his dad</p> <p>4 and they come to the office and show me the</p> <p>5 paper. Which I know it had Capital One on</p> <p>6 it and all the bill of the car.</p> <p>7 Q. So, did they give you a copy of</p> <p>8 that paper?</p> <p>9 A. Yeah, they give me some of them</p> <p>10 because they didn't give me all of them.</p> <p>11 Q. And do you have those papers</p> <p>12 today, what they gave you?</p> <p>13 A. Yeah, I have some of the paper,</p> <p>14 the one that they give it to me.</p> <p>15 MR. GOODMAN: I will call for</p> <p>16 production of the papers that were</p> <p>17 given to Farah Francois on the date</p> <p>18 that she was at the dealership</p> <p>19 according to her testimony. Some of</p> <p>20 the papers, that's her testimony.</p> <p>21 MR. KESHAVARZ: They've been</p> <p>22 produced. Go ahead.</p> <p>23 MR. GOODMAN: Have they been</p> <p>24 identified as the papers that were</p> <p>25 produced on that day? Because you</p>
<p style="text-align: right;">Page 119</p> <p>1 F. FRANCOIS</p> <p>2 How do you know what papers I have in my</p> <p>3 hand?</p> <p>4 A. The Capital One, I'm telling</p> <p>5 you about -- it can be the same I have or</p> <p>6 it can be you have different one. The</p> <p>7 Capital One and then also the dealership,</p> <p>8 the paper that they gave it me about</p> <p>9 Emmanuel bought this car, that's all the</p> <p>10 paper. And then also, what I explain to my</p> <p>11 lawyer what happened since September 2021.</p> <p>12 It's all those paper.</p> <p>13 Q. So, it's your testimony that</p> <p>14 the dealership gave you papers about what</p> <p>15 happened, about Emmanuel buying the car?</p> <p>16 A. This is not what I say.</p> <p>17 Q. Okay. Did you take pictures of</p> <p>18 those papers?</p> <p>19 A. They give me a paper, the paper</p> <p>20 which that I bought the car, because they</p> <p>21 was assume that it was me.</p> <p>22 Q. Who gave you that paper?</p> <p>23 A. The son.</p> <p>24 Q. Whose son?</p> <p>25 A. The owner son. The owner son,</p>	<p style="text-align: right;">Page 121</p> <p>1 F. FRANCOIS</p> <p>2 gave us a document dump of 4,000</p> <p>3 pages and you never responded to the</p> <p>4 demand that you identify which papers</p> <p>5 were --</p> <p>6 MR. KESHAVARZ: I think you</p> <p>7 might want to just ask her about the</p> <p>8 papers. Just show her the papers and</p> <p>9 ask her.</p> <p>10 MR. GOODMAN: I just did ask</p> <p>11 her and she's not answering.</p> <p>12 BY MR. GOODMAN:</p> <p>13 Q. And previously this morning,</p> <p>14 Ms. Francois, you gave testimony about</p> <p>15 taking photographs with your phone of</p> <p>16 papers that were on a desk. Do you</p> <p>17 remember that?</p> <p>18 A. Yes. Which is like I said to</p> <p>19 you, it was my copy of my driver's license,</p> <p>20 they have there, and Emmanuel driver's</p> <p>21 license. Which they didn't want me to take</p> <p>22 the picture. This is the one I have proof</p> <p>23 to give it to the police to tell them this</p> <p>24 is all the information they gave to me,</p> <p>25 yeah.</p>

<p style="text-align: right;">Page 122</p> <p>1 F. FRANCOIS</p> <p>2 Q. How many photographs did you</p> <p>3 take when you were in the dealership of</p> <p>4 papers?</p> <p>5 A. One, because they didn't let me</p> <p>6 want to take a picture. They said no,</p> <p>7 that's illegal, you cannot take a picture.</p> <p>8 I said I can, if it's my ID, if it's my</p> <p>9 information in that.</p> <p>10 Q. Just so I'm clear, it may be</p> <p>11 repetitive but I want to be clear on this:</p> <p>12 There was a point on your second visit to</p> <p>13 the dealership, you claim that you were at</p> <p>14 the dealership twice, correct?</p> <p>15 A. Yeah.</p> <p>16 Q. And you were with Papito both</p> <p>17 times, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And the second time your</p> <p>20 testimony is that someone retrieved papers</p> <p>21 from this transaction with the BMW and</p> <p>22 Emmanuel, correct?</p> <p>23 A. Yeah.</p> <p>24 Q. And showed you the papers,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 124</p> <p>1 F. FRANCOIS</p> <p>2 with the photo on your phone and some of</p> <p>3 the papers, right?</p> <p>4 A. Yeah.</p> <p>5 Q. What did you do with the photo</p> <p>6 and the papers?</p> <p>7 A. I went to the police. This is</p> <p>8 what I did, I went to the police with that.</p> <p>9 Q. And Papito was there to witness</p> <p>10 all of this, right? He saw all of this?</p> <p>11 A. Yeah, he went to the police</p> <p>12 with me too.</p> <p>13 Q. He also went to the police with</p> <p>14 you?</p> <p>15 A. Yeah.</p> <p>16 Q. But he saw all of this? He saw</p> <p>17 the papers on the table at the dealership?</p> <p>18 A. Yeah, because he was next to</p> <p>19 me. It was both of us sitting, showing</p> <p>20 both of us the paper.</p> <p>21 Q. Okay. Now, refresh my</p> <p>22 recollection, when was it that you left the</p> <p>23 employ of the TD Bank and went to the</p> <p>24 nursing employment?</p> <p>25 A. December.</p>
<p style="text-align: right;">Page 123</p> <p>1 F. FRANCOIS</p> <p>2 A. Yeah, and showed me the paper</p> <p>3 that who have my driver's license on it and</p> <p>4 then Emmanuel driver's license.</p> <p>5 Q. And you took a photograph of</p> <p>6 one page that had your driver's license and</p> <p>7 Emmanuel's driver's license; is that</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. Just one photo?</p> <p>11 A. Yeah.</p> <p>12 MR. GOODMAN: And I would ask</p> <p>13 that you produce the photo that was</p> <p>14 taken. Not a photocopy of the</p> <p>15 license, but the actual photo from</p> <p>16 your phone as you transmitted it to</p> <p>17 wherever you transmitted it and that</p> <p>18 that be produced.</p> <p>19 Q. So, Ms. Francois, in addition</p> <p>20 to taking a picture with your phone of that</p> <p>21 driver's license, you also received copies</p> <p>22 of what you said were some of the papers</p> <p>23 from the file, correct?</p> <p>24 A. Yeah.</p> <p>25 Q. And you left the dealership</p>	<p style="text-align: right;">Page 125</p> <p>1 F. FRANCOIS</p> <p>2 Q. Of 2021?</p> <p>3 A. Yeah, last December.</p> <p>4 Q. Last December, okay.</p> <p>5 A. Yeah.</p> <p>6 MR. GOODMAN: All right. Let's</p> <p>7 look, Ms. Reporter, if we can, at</p> <p>8 Exhibit A, the Capital One Fraud</p> <p>9 Submission. And if we want to mark</p> <p>10 that, I mean, I guess we can mark it</p> <p>11 Defendant's Exhibit A, if there's no</p> <p>12 objection. We haven't marked any</p> <p>13 previously, so it would begin with</p> <p>14 Exhibit A. And I guess you're going</p> <p>15 to need to share the screen.</p> <p>16 THE COURT REPORTER: Sure.</p> <p>17 (Whereupon, the aforementioned</p> <p>18 document was marked as Defendant's</p> <p>19 Exhibit A for identification as of</p> <p>20 this date by the Reporter.)</p> <p>21 (Screen sharing.)</p> <p>22 MR. GOODMAN: If you could</p> <p>23 please scroll to the next page. It</p> <p>24 should have a Bates stamp on the</p> <p>25 bottom of Francois 18.</p>

<p style="text-align: right;">Page 126</p> <p>1 F. FRANCOIS</p> <p>2 (Reporter complies.)</p> <p>3 MR. GOODMAN: Okay,</p> <p>4 Ms. Reporter, can you expand that out</p> <p>5 so we can see the entire page.</p> <p>6 (Reporter complies.)</p> <p>7 MR. GOODMAN: Thank you.</p> <p>8 BY MR. GOODMAN:</p> <p>9 Q. Ms. Francois, I want you to</p> <p>10 look at what's on the screen now as the</p> <p>11 second page of Defendant's Exhibit A. Take</p> <p>12 a look at that and tell me when you're</p> <p>13 finished looking at that.</p> <p>14 (Whereupon, the Witness peruses</p> <p>15 the document.)</p> <p>16 A. Yeah, I finished to look at.</p> <p>17 Q. So, what is that?</p> <p>18 A. That's the Affidavit that they</p> <p>19 kept calling me. I told them that wasn't</p> <p>20 me who did that. I never applied for a</p> <p>21 loan.</p> <p>22 Q. And you filled this out on</p> <p>23 September 23rd of 2020. You see that date</p> <p>24 on there?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 128</p> <p>1 F. FRANCOIS</p> <p>2 you direct your attention to the checked</p> <p>3 boxes. It says, "Tell us about your</p> <p>4 situation:" Do you see that?</p> <p>5 A. Yeah.</p> <p>6 Q. And it says, "Types of Identity</p> <p>7 Theft you have experienced:"</p> <p>8 A. Uh-huh.</p> <p>9 Q. And you checked "Loans" and you</p> <p>10 checked "Other." Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. What did you mean by "Other?"</p> <p>13 A. My ID, my Social, this is all</p> <p>14 the things that have been stolen.</p> <p>15 Q. Then under number 2 it says</p> <p>16 "What Happened:" And it says, "What was</p> <p>17 your first indication that you might be a</p> <p>18 victim of identity theft? (check all that</p> <p>19 apply):" Did I read all of that correctly?</p> <p>20 A. Yeah.</p> <p>21 Q. And you checked the box for</p> <p>22 "Mail Service Disrupted." Do you see that?</p> <p>23 A. Yeah.</p> <p>24 Q. What does that mean? What did</p> <p>25 that mean to you? Why did you check that</p>
<p style="text-align: right;">Page 127</p> <p>1 F. FRANCOIS</p> <p>2 Q. And you listed your address as</p> <p>3 2914 Farragut Road, correct?</p> <p>4 A. Uh-huh.</p> <p>5 THE COURT REPORTER: Is that a</p> <p>6 yes or no?</p> <p>7 A. Yes.</p> <p>8 MR. GOODMAN: Can you please</p> <p>9 scroll down to the next page.</p> <p>10 (Reporter complies.)</p> <p>11 MR. KESHAVARZ: I just want to</p> <p>12 make sure, Ms. Francois, are you able</p> <p>13 to read the document that's in front</p> <p>14 of you? Because it's kind of small</p> <p>15 on your screen.</p> <p>16 THE WITNESS: Yeah, I do. I</p> <p>17 do. I see my name on it, "Farah Jean</p> <p>18 Francois."</p> <p>19 MR. KESHAVARZ: I just wanted</p> <p>20 to make sure.</p> <p>21 THE WITNESS: Thank you, Ahmad.</p> <p>22 BY MR. GOODMAN:</p> <p>23 Q. So, you see now this is the</p> <p>24 third page. It should have a Bates stamp</p> <p>25 on the bottom of Francois 19. Again, can</p>	<p style="text-align: right;">Page 129</p> <p>1 F. FRANCOIS</p> <p>2 box?</p> <p>3 A. I checked that box because that</p> <p>4 was mail the DMV send it to me, to my</p> <p>5 address and then I never received that</p> <p>6 mail. Which is somebody else receive it,</p> <p>7 which is Emmanuel Laforest receive it and</p> <p>8 keep the mail.</p> <p>9 Q. And you also checked the box</p> <p>10 that said "Noticed Credit Report</p> <p>11 Inaccuracies."</p> <p>12 A. Yes.</p> <p>13 Q. Why did you check that box?</p> <p>14 A. Because I received from</p> <p>15 Experian that my credit score been going</p> <p>16 down. And when I click on that to review</p> <p>17 that and I see the loan on that.</p> <p>18 Q. How long had your credit score</p> <p>19 been going down as of September 23rd of</p> <p>20 2020?</p> <p>21 MR. KESHAVARZ: Objection to</p> <p>22 form.</p> <p>23 Q. You can answer.</p> <p>24 A. I think since -- because it's</p> <p>25 not the first place he went to visit with</p>

<p style="text-align: right;">Page 130</p> <p>1 F. FRANCOIS</p> <p>2 my information. All those place he went is</p> <p>3 in my credit. That's when all the place he</p> <p>4 went, every time you check your credit, it</p> <p>5 put your credit score down.</p> <p>6 Q. All the places he went? Where</p> <p>7 did he go? What do you mean by all the</p> <p>8 places he went?</p> <p>9 A. He went to the dealership with</p> <p>10 that, which is they check my credit. This</p> <p>11 is put my credit down.</p> <p>12 Q. How did that put your credit</p> <p>13 down?</p> <p>14 A. That put my credit down because</p> <p>15 my credit -- listen, when you apply for a</p> <p>16 loan and you never pay your loan, whatever</p> <p>17 you apply, whatever you did, you never pay</p> <p>18 for that, that's not going to put your</p> <p>19 score up, it put your score down.</p> <p>20 Q. What was your credit score on</p> <p>21 September 23rd of 2020?</p> <p>22 MR. KESHAVARZ: Objection to</p> <p>23 form.</p> <p>24 A. I don't remember.</p> <p>25 Q. Is it your testimony that it</p>	<p style="text-align: right;">Page 132</p> <p>1 F. FRANCOIS</p> <p>2 any, have you had to pay as a result of</p> <p>3 identity theft?" Did I read that</p> <p>4 correctly?</p> <p>5 A. Yeah, 29,462.81. That's the</p> <p>6 loan that they get for the Capital One.</p> <p>7 Q. But you didn't have to pay</p> <p>8 that, did you?</p> <p>9 A. I don't know, but me, I was</p> <p>10 scared because someone been calling me and</p> <p>11 been telling me that I never pay nothing.</p> <p>12 I didn't know if I have to pay or not pay.</p> <p>13 All I know is that was my name on it and</p> <p>14 that was coming to me that I have to pay</p> <p>15 that money, which I never got that loan</p> <p>16 and --</p> <p>17 MR. GOODMAN: Move to strike</p> <p>18 the nonresponsive portion.</p> <p>19 Q. Did you ever pay 29,462.81?</p> <p>20 A. No.</p> <p>21 Q. Did you ever pay anything on</p> <p>22 the Capital One loan?</p> <p>23 A. No. Why would I pay something</p> <p>24 that I did not do?</p> <p>25 Q. So, you never paid a dollar,</p>
<p style="text-align: right;">Page 131</p> <p>1 F. FRANCOIS</p> <p>2 was lower on September 23, 2020 that it had</p> <p>3 been before May 30th of 2020?</p> <p>4 MR. KESHAVARZ: Objection to</p> <p>5 form.</p> <p>6 A. Yeah.</p> <p>7 Q. So, your testimony is it went</p> <p>8 down from May of 2020 to September of 2020?</p> <p>9 MR. KESHAVARZ: Objection to</p> <p>10 form.</p> <p>11 You can answer.</p> <p>12 A. It keep going down because it's</p> <p>13 not going up. That's all I know, that my</p> <p>14 credit keep going down because I had my</p> <p>15 credit -- I was trying to work on my credit</p> <p>16 to build my credit to get more credit to</p> <p>17 apply for a loan to get my house. I was</p> <p>18 trying to save money to buy my house which</p> <p>19 is like that did affect me because that put</p> <p>20 me more down.</p> <p>21 Q. What put you more down?</p> <p>22 A. The loan. \$20,000 is not easy.</p> <p>23 Q. On the Exhibit A, third page,</p> <p>24 the one we have on the screen, if you see</p> <p>25 down at the bottom, "How much money, if</p>	<p style="text-align: right;">Page 133</p> <p>1 F. FRANCOIS</p> <p>2 thank you.</p> <p>3 And, in fact, your</p> <p>4 understanding, as a result of this Fraud</p> <p>5 Affidavit and Questionnaire, Capital One</p> <p>6 rescinded the loan. They pulled it back</p> <p>7 and said you're not responsible for it</p> <p>8 anymore; isn't that correct?</p> <p>9 A. I don't know about that because</p> <p>10 they didn't tell me. Capital One didn't</p> <p>11 tell me what they were going to do. They</p> <p>12 just sent me this paper.</p> <p>13 Q. They never sent you a paper</p> <p>14 that said we've acknowledged your</p> <p>15 application and we've determined to rescind</p> <p>16 your loan? You never got that?</p> <p>17 A. I don't remember, but they send</p> <p>18 me a paper that I have to notarize it.</p> <p>19 They was telling me that the paper had to</p> <p>20 be notarized and then send it back to them.</p> <p>21 I don't remember.</p> <p>22 Q. So, if I told you that the</p> <p>23 document from Capital One in which they</p> <p>24 said the loan is resolved, you're not</p> <p>25 responsible anymore is actually attached as</p>

<p style="text-align: right;">Page 134</p> <p>1 F. FRANCOIS</p> <p>2 an exhibit to your Complaint in this</p> <p>3 lawsuit, would that refresh your</p> <p>4 recollection?</p> <p>5 MR. KESHAVARZ: Objection to</p> <p>6 form.</p> <p>7 Q. Go ahead, you can answer it.</p> <p>8 A. Well, if it's there, but I</p> <p>9 don't remember all those paper that they</p> <p>10 send it to me.</p> <p>11 Q. But you said you don't know</p> <p>12 whether you're still responsible for this</p> <p>13 loan or not. Is that your testimony?</p> <p>14 A. Yeah, because my name was on</p> <p>15 it. It was on my name, which is like if</p> <p>16 something is on your name you have to pay</p> <p>17 for that. That's why I don't know if I'm</p> <p>18 responsible for that.</p> <p>19 Q. As you sit here today, you</p> <p>20 think you still have to pay for this loan?</p> <p>21 MR. KESHAVARZ: Objection to</p> <p>22 form.</p> <p>23 A. I don't know.</p> <p>24 Q. Well, did your lawyer ever tell</p> <p>25 you anything about that?</p>	<p style="text-align: right;">Page 136</p> <p>1 F. FRANCOIS</p> <p>2 toward this loan, right? That was your</p> <p>3 testimony correct?</p> <p>4 A. No.</p> <p>5 Q. Right. No, you didn't pay,</p> <p>6 correct?</p> <p>7 A. Yes, I did not pay anything.</p> <p>8 Q. Okay. So, that means that the</p> <p>9 loan was taken out in May, it would have</p> <p>10 already been delinquent by three months by</p> <p>11 the time we got to September, correct?</p> <p>12 MR. KESHAVARZ: Objection to</p> <p>13 form.</p> <p>14 Q. You can answer.</p> <p>15 A. I'm not a lawyer, I don't know</p> <p>16 nothing about that, which is that's why I</p> <p>17 got a lawyer to do, a person who know</p> <p>18 better about that because I don't know</p> <p>19 nothing about that. This is the first time</p> <p>20 that happened to me, somebody stole all my</p> <p>21 information and did things like that. I</p> <p>22 don't know nothing about that, how do that</p> <p>23 work, if they going to remove it or they</p> <p>24 did not remove it. I don't know nothing</p> <p>25 about that.</p>
<p style="text-align: right;">Page 135</p> <p>1 F. FRANCOIS</p> <p>2 MR. KESHAVARZ: No, no, don't</p> <p>3 answer that.</p> <p>4 You know better than that,</p> <p>5 Counsel.</p> <p>6 Q. Yes or no?</p> <p>7 MR. KESHAVARZ: No, don't</p> <p>8 answer that question.</p> <p>9 Q. Okay. By the way, you just</p> <p>10 testified that Capital One was calling you,</p> <p>11 telling you that you had to pay this</p> <p>12 morning. Remember you gave that testimony?</p> <p>13 A. No, this is not what I said. I</p> <p>14 said Capital One been calling me saying</p> <p>15 that I've been late in paying, which is I</p> <p>16 never paid them since I bought the car,</p> <p>17 which is Capital One did not know it wasn't</p> <p>18 me, and me neither, I didn't know that the</p> <p>19 do loan under my name.</p> <p>20 Q. When is the first time Capital</p> <p>21 One called you and told you you're late on</p> <p>22 the payment?</p> <p>23 A. In 2020. I do not remember</p> <p>24 when the first time they called me.</p> <p>25 Q. But you never paid anything</p>	<p style="text-align: right;">Page 137</p> <p>1 F. FRANCOIS</p> <p>2 Q. So, as you sit here today you</p> <p>3 think you might still have to pay on this</p> <p>4 loan, right?</p> <p>5 MR. KESHAVARZ: Objection.</p> <p>6 Form, asked and answered. Go ahead.</p> <p>7 A. I don't know.</p> <p>8 Q. You don't know, okay. But let</p> <p>9 me ask again: When, I'm asking for a date,</p> <p>10 it doesn't have to be an exact date, but</p> <p>11 approximately when, was it June, July,</p> <p>12 August, that Capital One called you, as you</p> <p>13 said they did, to tell you that you were</p> <p>14 late in paying on this loan?</p> <p>15 MR. KESHAVARZ: Objection to</p> <p>16 form.</p> <p>17 A. I really don't remember the</p> <p>18 date that they call me. I don't know when.</p> <p>19 Q. But it was before you filed</p> <p>20 this fraud application, your fraud claim,</p> <p>21 correct?</p> <p>22 MR. KESHAVARZ: Objection.</p> <p>23 Form, asked and answered.</p> <p>24 MR. GOODMAN: Neither are a</p> <p>25 fair objection, but go ahead, you can</p>

35 (Pages 134 - 137)

<p style="text-align: right;">Page 138</p> <p>1 F. FRANCOIS</p> <p>2 answer.</p> <p>3 A. You say if it's before I filed</p> <p>4 the --</p> <p>5 Q. You said before, your</p> <p>6 testimony, which will stand on the record,</p> <p>7 that Capital One had been calling you to</p> <p>8 tell you you were late on payment on the</p> <p>9 loan, correct?</p> <p>10 A. Yeah. They e-mailed -- they</p> <p>11 mailed me, because when I received the</p> <p>12 title I received the paper from Capital One</p> <p>13 too, saying about the late bill.</p> <p>14 Q. Your testimony is that grandma</p> <p>15 or grandpa at 2914 Farragut would collect</p> <p>16 the mail from the mailman, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And then they would give you</p> <p>19 the mail that was for you, right?</p> <p>20 A. Yeah. They give it to my</p> <p>21 father-in-law because sometimes when I go</p> <p>22 there, I already asleep because sometimes I</p> <p>23 finish work at 6:30, 7:00, typically close</p> <p>24 at 7:00.</p> <p>25 Q. Would they give it to your</p>	<p style="text-align: right;">Page 140</p> <p>1 F. FRANCOIS</p> <p>2 about the stress that you suffered, the</p> <p>3 emotional stress, the bags under your eyes</p> <p>4 and all that, I'm not asking you that now,</p> <p>5 I'm going to ask you. Right now, I'm</p> <p>6 asking you to tell me how what you say the</p> <p>7 dealership did damaged you in terms of</p> <p>8 dollars. Can you answer that?</p> <p>9 MR. KESHAVARZ: Objection,</p> <p>10 form. Go ahead.</p> <p>11 THE WITNESS: I really don't</p> <p>12 understand the question. Can you</p> <p>13 explain to me, Ahmad?</p> <p>14 MR. KESHAVARZ: No. If you</p> <p>15 don't understand the question, just</p> <p>16 say you don't understand the</p> <p>17 question.</p> <p>18 A. Yeah, I don't understand the</p> <p>19 question.</p> <p>20 Q. Okay. I want you to tell me</p> <p>21 every dollar that you spent out of your</p> <p>22 pocket that you claim was a result of what</p> <p>23 the dealership did in this lawsuit?</p> <p>24 MR. KESHAVARZ: Objection to</p> <p>25 form. Go ahead.</p>
<p style="text-align: right;">Page 139</p> <p>1 F. FRANCOIS</p> <p>2 husband, Stanley?</p> <p>3 A. No, they give it to my</p> <p>4 father-in-law. My father-in-law sometimes</p> <p>5 give it to Stanley or sometimes give it to</p> <p>6 me when he saw me when I come home after</p> <p>7 work.</p> <p>8 MR. GOODMAN: Give me one</p> <p>9 second.</p> <p>10 (Brief pause.)</p> <p>11 MR. GOODMAN: Okay, that's all</p> <p>12 I have for Exhibit A, so we can take</p> <p>13 that off the screen.</p> <p>14 (Screen sharing stopped.)</p> <p>15 BY MR. GOODMAN:</p> <p>16 Q. I want to ask you,</p> <p>17 Ms. Francois, you understand that in this</p> <p>18 lawsuit you're claiming that you suffered</p> <p>19 certain damages, you lost certain things as</p> <p>20 a result of what you say, what you claim</p> <p>21 the dealership did, right? You understand</p> <p>22 that?</p> <p>23 A. Yes.</p> <p>24 Q. So, I want to ask you to tell</p> <p>25 me, in terms of dollars, I'm not asking you</p>	<p style="text-align: right;">Page 141</p> <p>1 F. FRANCOIS</p> <p>2 A. I don't remember.</p> <p>3 Q. What was that? You don't know?</p> <p>4 A. Yeah. I don't remember I said.</p> <p>5 Q. Okay. There are certain</p> <p>6 parking violations that were attributed to</p> <p>7 the BMW, correct?</p> <p>8 A. Yes.</p> <p>9 Q. It got parking tickets, right?</p> <p>10 A. Yeah, I got MTA tickets from</p> <p>11 coming from New Jersey and things like</p> <p>12 that.</p> <p>13 Q. Did you ever pay anything out</p> <p>14 of your own pocket, your own money to pay</p> <p>15 off the parking violations?</p> <p>16 A. No, but I still have them here,</p> <p>17 because they still remove them.</p> <p>18 Q. Did you pay anything for the</p> <p>19 violations for the tolls, you know, the</p> <p>20 tunnels and the bridges, did you pay</p> <p>21 anything out of your pocket for those</p> <p>22 violations?</p> <p>23 A. MTA? No, I don't remember.</p> <p>24 Q. Yeah, I'm sorry, MTA is the</p> <p>25 right way to phrase that.</p>

<p style="text-align: right;">Page 142</p> <p>1 F. FRANCOIS</p> <p>2 A. Yeah, I don't remember.</p> <p>3 Q. No, you didn't pay anything,</p> <p>4 correct?</p> <p>5 MR. KESHAVARZ: Objection to</p> <p>6 form. What did you say?</p> <p>7 Q. Did you pay any money out of</p> <p>8 your own pocket toward alleviating, or</p> <p>9 whatever the word is, those violations with</p> <p>10 the MTA?</p> <p>11 MR. KESHAVARZ: Objection to</p> <p>12 form.</p> <p>13 A. (No response.)</p> <p>14 Q. You can answer.</p> <p>15 A. I don't know.</p> <p>16 Q. You don't know?</p> <p>17 A. Yeah, because I really don't</p> <p>18 understand your question.</p> <p>19 MR. KESHAVARZ: That's fine.</p> <p>20 If you don't understand, say you</p> <p>21 don't answer.</p> <p>22 A. Yeah, I don't understand your</p> <p>23 question. I don't know what your question</p> <p>24 is.</p> <p>25 Q. There were certain violations</p>	<p style="text-align: right;">Page 144</p> <p>1 F. FRANCOIS</p> <p>2 portion.</p> <p>3 Q. There were certain moving</p> <p>4 violations, right, the camera violations</p> <p>5 where the camera took a picture of the BMW</p> <p>6 violating some Vehicle and Traffic Law, do</p> <p>7 you remember that?</p> <p>8 A. Yeah, all those paper.</p> <p>9 Q. Did you pay anything out of</p> <p>10 your own pocket toward those violations?</p> <p>11 MR. KESHAVARZ: Objection,</p> <p>12 form. Go ahead.</p> <p>13 A. I don't know. I don't</p> <p>14 remember.</p> <p>15 Q. If you don't know, who would</p> <p>16 know?</p> <p>17 MR. KESHAVARZ: Objection,</p> <p>18 form.</p> <p>19 A. I said I don't remember.</p> <p>20 Q. Well, you said "I don't know,"</p> <p>21 and then you said you --</p> <p>22 A. I don't remember, I don't</p> <p>23 remember, because there was a lot of paper</p> <p>24 that keep coming, sending to me under my</p> <p>25 name.</p>
<p style="text-align: right;">Page 143</p> <p>1 F. FRANCOIS</p> <p>2 issued by the MTA for the BMW, correct?</p> <p>3 A. Uh-huh.</p> <p>4 Q. You have to say yes.</p> <p>5 A. Yes.</p> <p>6 Q. And they came to you because</p> <p>7 you were the title owner registered on the</p> <p>8 car, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Did you pay anything toward</p> <p>11 those violations to make those violations</p> <p>12 go away?</p> <p>13 MR. KESHAVARZ: Objection to</p> <p>14 form.</p> <p>15 Q. You can answer.</p> <p>16 A. I still have a lot. I still</p> <p>17 haven't paid them because I'm going to go</p> <p>18 in Bronx, because I went there to tell them</p> <p>19 that, they ask me about a lot of paper. I</p> <p>20 still have a lot to pay, that MTA thing,</p> <p>21 and no, I haven't paid.</p> <p>22 Q. You haven't paid anything to</p> <p>23 date, right.</p> <p>24 MR. GOODMAN: And I'm going to</p> <p>25 move to strike the nonresponsive</p>	<p style="text-align: right;">Page 145</p> <p>1 F. FRANCOIS</p> <p>2 Q. Right.</p> <p>3 A. Which is I don't remember.</p> <p>4 Which you said in 2020, I was so depressed.</p> <p>5 You think I'm going to remember everything</p> <p>6 that he did and everything that the dealer</p> <p>7 did? No.</p> <p>8 Q. I'm not asking you to remember.</p> <p>9 I'm asking you what you paid, money.</p> <p>10 A. I told you those bills still</p> <p>11 under my name because I still have to go.</p> <p>12 The last time I went to Bronx, they said to</p> <p>13 remove them I have to go to the police; not</p> <p>14 only the police paper that I bring it who</p> <p>15 says 17th Precinct and things like that</p> <p>16 that I went there. They said they want all</p> <p>17 those paper. I have to go to Brooklyn to</p> <p>18 get all those papers and then to bring it</p> <p>19 to them. Even MTA, they asked me do the</p> <p>20 same thing, too.</p> <p>21 Q. Who asked you to do that, MTA</p> <p>22 and who else?</p> <p>23 A. MTA and then the parking ticket</p> <p>24 that he has. All the parking ticket he</p> <p>25 take in the firefighter that he put the</p>

<p style="text-align: right;">Page 146</p> <p>1 F. FRANCOIS</p> <p>2 car, leaving the car, whatever. It's fine,</p> <p>3 he can leave the car because the car is not</p> <p>4 in his name, so that is not going to</p> <p>5 connect to him.</p> <p>6 Q. Do you have a date that you're</p> <p>7 supposed to go take that?</p> <p>8 A. No, they told me to remove it</p> <p>9 that I have to go get those papers.</p> <p>10 Q. When did they tell you that?</p> <p>11 A. When I went there to ask them,</p> <p>12 which is like all those tickets is not me,</p> <p>13 it's something like someone doing take all</p> <p>14 my information and then buy a car under my</p> <p>15 name. I even bring them the Capital One</p> <p>16 thing, which is the customer was telling</p> <p>17 me, okay, to remove that we need more</p> <p>18 proof, you have to go to the police. She</p> <p>19 was telling me about the form that I have</p> <p>20 to ask them and then I will have to come</p> <p>21 back and make an appointment, which is not</p> <p>22 like you go to the court, you have to make</p> <p>23 an appointment online.</p> <p>24 Q. But isn't it true you started</p> <p>25 the process of getting those tickets</p>	<p style="text-align: right;">Page 148</p> <p>1 F. FRANCOIS</p> <p>2 don't really understand you. Do you mean</p> <p>3 to a collection agency?</p> <p>4 A. To the collection, yes.</p> <p>5 Q. Okay. So, you're receiving</p> <p>6 letters from collection agencies; is that</p> <p>7 correct?</p> <p>8 A. Yeah, yeah. I did receive some</p> <p>9 paper from collection.</p> <p>10 MR. GOODMAN: Okay, and I would</p> <p>11 ask that those papers received from</p> <p>12 collection agencies concerning</p> <p>13 violations on the BMW be preserved</p> <p>14 and produced. I call for their</p> <p>15 production from Ms. Francois.</p> <p>16 Q. By the way, are you aware of</p> <p>17 Mr. Emmanuel Laforest using your identity</p> <p>18 for any purpose beyond or other than</p> <p>19 purchasing the BMW?</p> <p>20 A. I don't know. That's why I go</p> <p>21 to the police, because I don't know what he</p> <p>22 did with my ID, with my Social, who was in</p> <p>23 his hand. And with the car, that's why I</p> <p>24 was scared, because I say he may kill</p> <p>25 someone and then leave it in the car. Who</p>
<p style="text-align: right;">Page 147</p> <p>1 F. FRANCOIS</p> <p>2 removed and those violations removed in</p> <p>3 September and October of 2020, correct?</p> <p>4 A. Yeah, I've been trying to get</p> <p>5 those tickets to remove and then most of</p> <p>6 those tickets they asking me for that.</p> <p>7 Q. You're saying now, it's more</p> <p>8 than two years later, you still haven't</p> <p>9 gotten them removed?</p> <p>10 A. Yeah, still the BMW, I still</p> <p>11 receive that.</p> <p>12 Q. What does that mean? The</p> <p>13 BMW -- say that again.</p> <p>14 A. I still receive the ticket that</p> <p>15 he never paid which is, okay, credit. They</p> <p>16 send me in the credit thing I have to pay,</p> <p>17 which is all those bills I did not pay,</p> <p>18 they send it to the credit.</p> <p>19 Q. They send it to the credit?</p> <p>20 What does that mean, they send it to the</p> <p>21 credit?</p> <p>22 A. Okay, if you buy something and</p> <p>23 you never pay for that, where they send it?</p> <p>24 They send it to credit; yes, no?</p> <p>25 Q. I don't know what you mean. I</p>	<p style="text-align: right;">Page 149</p> <p>1 F. FRANCOIS</p> <p>2 the police going to look for is me, because</p> <p>3 the car is in my name. That's why,</p> <p>4 basically, I went to the police.</p> <p>5 MR. GOODMAN: Move to strike</p> <p>6 the nonresponsive portion.</p> <p>7 Q. So, Ms. Francois, the question</p> <p>8 is very simple: Are you aware of any other</p> <p>9 use that he made of your identity other</p> <p>10 than the --</p> <p>11 A. I don't know.</p> <p>12 Q. Well, have you received any</p> <p>13 bills, any mail, anything from collection</p> <p>14 agencies for things he bought or credit</p> <p>15 cards he took out, anything like that?</p> <p>16 MR. KESHAVARZ: Objection,</p> <p>17 form.</p> <p>18 You can answer.</p> <p>19 A. I put to receive there, in 2014</p> <p>20 Farragut, in front of the house, to 284 all</p> <p>21 the mail, to not let me receive anything.</p> <p>22 So, I moved there, I'm not living there</p> <p>23 anymore. Everything that he receive, he</p> <p>24 will keep it, he will not give it to me. I</p> <p>25 even told you early that he received my</p>

<p style="text-align: right;">Page 150</p> <p>1 F. FRANCOIS</p> <p>2 Green Card, he keep it.</p> <p>3 Q. Let me ask you this: Why</p> <p>4 didn't you sue Emmanuel Laforest in this</p> <p>5 case?</p> <p>6 MR. KESHAVARZ: Objection,</p> <p>7 form.</p> <p>8 If you have an understanding</p> <p>9 that's not based on our</p> <p>10 conversations, then you can answer.</p> <p>11 But if you have an understanding</p> <p>12 that's based on our conversations,</p> <p>13 then don't answer it.</p> <p>14 MR. GOODMAN: I object to that,</p> <p>15 but go ahead, you can answer.</p> <p>16 A. You say why I did not sue --</p> <p>17 Q. Why didn't you sue him? He did</p> <p>18 all this wrong to you.</p> <p>19 A. Did Emmanuel apply for Capital</p> <p>20 One or you? The dealership put my name in</p> <p>21 Capital One without checking the people who</p> <p>22 is coming to do things. Because he was not</p> <p>23 online. If he was online, it's different</p> <p>24 thing. Because I know about customer</p> <p>25 service. Like I said to them, I'm a</p>	<p style="text-align: right;">Page 152</p> <p>1 F. FRANCOIS</p> <p>2 MR. GOODMAN: Okay, you know</p> <p>3 what, we will take a break after I</p> <p>4 ask this question. I hope I get an</p> <p>5 answer to it.</p> <p>6 BY MR. GOODMAN:</p> <p>7 Q. Again, why did you not sue</p> <p>8 Emmanuel Laforest? You chose to bring a</p> <p>9 lawsuit against a whole bunch of people and</p> <p>10 companies, but you didn't sue him and he's</p> <p>11 the one that stole everything from you,</p> <p>12 lied so much. Why not?</p> <p>13 A. Like I said, did Emmanuel was</p> <p>14 the one who was like put all my information</p> <p>15 in Capital One? Is Emmanuel who is the one</p> <p>16 who is looking for my credit?</p> <p>17 Q. Yes, he was.</p> <p>18 A. He was not the one. Emmanuel</p> <p>19 did not do it online. Like I said, if he</p> <p>20 was online, that's another thing because</p> <p>21 you don't have access to see who is behind</p> <p>22 the computer, but he was in person --</p> <p>23 MR. GOODMAN: Objection. Move</p> <p>24 to strike the nonresponsive portions.</p> <p>25 MR. KESHAVARZ: Wait. Let her</p>
<p style="text-align: right;">Page 151</p> <p>1 F. FRANCOIS</p> <p>2 customer service employee for TD Bank. I</p> <p>3 know that Emmanuel was coming with the ID</p> <p>4 and sitting in front of them and they see,</p> <p>5 they see my ID, they see a woman on that.</p> <p>6 Why didn't you ask them for that?</p> <p>7 MR. GOODMAN: I move to strike</p> <p>8 the nonresponsive portion.</p> <p>9 THE WITNESS: (Inaudible.)</p> <p>10 (Whereupon, the Witness stands</p> <p>11 up.)</p> <p>12 MR. KESHAVARZ: Why don't we</p> <p>13 take five minutes?</p> <p>14 THE WITNESS: No, I'm okay,</p> <p>15 Ahmad. I'm okay, I'm okay.</p> <p>16 MR. KESHAVARZ: All right.</p> <p>17 Just let us know if you change your</p> <p>18 mind. It's not an endurance test.</p> <p>19 MR. GOODMAN: If you want one,</p> <p>20 Ahmad, we can do it for you. I mean,</p> <p>21 it's up to you.</p> <p>22 THE WITNESS: No, I'm okay, I'm</p> <p>23 good.</p> <p>24 (Whereupon, the Witness sits</p> <p>25 down.)</p>	<p style="text-align: right;">Page 153</p> <p>1 F. FRANCOIS</p> <p>2 finish her answer.</p> <p>3 Go ahead, Ms. Francois.</p> <p>4 A. He was in person and he sit</p> <p>5 down with someone there, which they have</p> <p>6 the video. Like I said to them, you guys</p> <p>7 have to show the police the video when I</p> <p>8 went there, because I never been there.</p> <p>9 They said, okay, it's fine, we know you</p> <p>10 never been there. Okay, so why didn't</p> <p>11 they, when Emmanuel give them my Social and</p> <p>12 my ID, why they didn't say this is a woman,</p> <p>13 this is not that person here, this is only</p> <p>14 you here, we cannot do that; why they</p> <p>15 didn't do that?</p> <p>16 Q. Okay, I'm not here to answer</p> <p>17 questions, you're not here to ask</p> <p>18 questions.</p> <p>19 MR. GOODMAN: I move to strike</p> <p>20 the nonresponsive --</p> <p>21 A. I'm just answering your</p> <p>22 questions.</p> <p>23 Q. That's not an answer.</p> <p>24 A. Yes, it is.</p> <p>25 MR. GOODMAN: I move to strike</p>

<p style="text-align: right;">Page 154</p> <p>1 F. FRANCOIS</p> <p>2 the nonresponsive portions.</p> <p>3 Q. Who told you at the dealership</p> <p>4 we agree, you weren't ever here? You just</p> <p>5 said that.</p> <p>6 A. The son told me that. The</p> <p>7 father told me that when they said, yes,</p> <p>8 he's the one who is bringing the ID, which</p> <p>9 is your ID and which is his ID. When they</p> <p>10 put all the paper, they put it in front of</p> <p>11 me (indicating).</p> <p>12 Q. So, I'm going to ask one more</p> <p>13 time, it's pretty risky but I'll try it.</p> <p>14 You went to the police about</p> <p>15 Emmanuel Laforest, you testified today</p> <p>16 about all the lying and deception and</p> <p>17 thievery that he did and identity theft,</p> <p>18 and yet, you chose not to bring a lawsuit</p> <p>19 against him, why?</p> <p>20 A. Say that again. Ask your</p> <p>21 question again.</p> <p>22 Q. For all that he's done bad to</p> <p>23 you, you didn't want to bring him into this</p> <p>24 lawsuit?</p> <p>25 A. Emmanuel, that's why I went to</p>	<p style="text-align: right;">Page 156</p> <p>1 F. FRANCOIS</p> <p>2 keeping his ID and say if you want to buy</p> <p>3 the car, we're going to have to do it under</p> <p>4 your name, but not under that person</p> <p>5 because that person is not here, that</p> <p>6 person is supposed to be here to do that.</p> <p>7 MR. GOODMAN: I move to strike</p> <p>8 the nonresponsive portion.</p> <p>9 And, Ahmad, since you seem to</p> <p>10 be out of control with your witness,</p> <p>11 I would like you to please advise her</p> <p>12 just to answer questions that are</p> <p>13 being asked of her.</p> <p>14 MR. KESHAVARZ: Actually, she</p> <p>15 answered that perfectly.</p> <p>16 MR. GOODMAN: I figured you</p> <p>17 would say that, but you know better,</p> <p>18 so.</p> <p>19 BY MR. GOODMAN:</p> <p>20 Q. Okay, but my question is you</p> <p>21 seem to be saying that Emmanuel Laforest</p> <p>22 went to the dealership alone; is that your</p> <p>23 understanding?</p> <p>24 MR. KESHAVARZ: Objection --</p> <p>25 A. That's what they say to me.</p>
<p style="text-align: right;">Page 155</p> <p>1 F. FRANCOIS</p> <p>2 the police, because what he did is the</p> <p>3 police. But the basic people who did more,</p> <p>4 who damaged all that is the dealership,</p> <p>5 because the dealership is supposed to be --</p> <p>6 whoever the customer come to your store</p> <p>7 with somebody ID, you're not supposed to</p> <p>8 accept that person if that person is not in</p> <p>9 person who signed. Which is he falsified</p> <p>10 my signature, which is not me and --</p> <p>11 Q. So --</p> <p>12 MR. KESHAVARZ: Wait, don't</p> <p>13 interrupt her, don't interrupt her.</p> <p>14 MR. GOODMAN: I'm not</p> <p>15 interrupting anybody.</p> <p>16 MR. KESHAVARZ: Yes, you are.</p> <p>17 Were you done, Ms. Francois?</p> <p>18 THE WITNESS: No, I'm not done.</p> <p>19 MR. KESHAVARZ: Then continue</p> <p>20 and finish your answer, please.</p> <p>21 A. Yeah, it was their</p> <p>22 responsibility to look at the ID. First of</p> <p>23 all, it was not a man ID, it was a woman</p> <p>24 ID. He went in there, he is a man ID, he</p> <p>25 brought his ID. Why the dealership not</p>	<p style="text-align: right;">Page 157</p> <p>1 F. FRANCOIS</p> <p>2 Q. That's what who said to you?</p> <p>3 A. I said that to you. The son of</p> <p>4 the dealer, the guy who went into his</p> <p>5 office and sit down with the son, he said</p> <p>6 Emmanuel come and sit down with the ID and</p> <p>7 employee, one of his employee did it for</p> <p>8 Emmanuel.</p> <p>9 Q. So, your testimony, I just want</p> <p>10 to make sure we're clear on this, your</p> <p>11 testimony is that the son, you're calling</p> <p>12 him, at the dealership told you that</p> <p>13 Emmanuel Laforest was alone at the</p> <p>14 dealership? He didn't bring anybody with</p> <p>15 him?</p> <p>16 A. No, he say Emmanuel brought the</p> <p>17 ID. I said did he bring a woman? Because</p> <p>18 I asked them that question, did they</p> <p>19 brought a woman there? They said no, he's</p> <p>20 coming here, but it was not us who do that,</p> <p>21 it was the employee.</p> <p>22 Q. That's your testimony, okay.</p> <p>23 A. That's what they say.</p> <p>24 Q. That's what they say, okay.</p> <p>25 I've asked you before to tell</p>

<p style="text-align: right;">Page 158</p> <p>1 F. FRANCOIS</p> <p>2 me everything that happened in that</p> <p>3 conversation and now we're hearing new</p> <p>4 parts of that conversation.</p> <p>5 A. It's not new part. I told you</p> <p>6 about that they say -- when they say they</p> <p>7 don't have no control about that because</p> <p>8 it's COVID, which is I told them don't tell</p> <p>9 me about COVID because it was not online,</p> <p>10 COVID had nothing to do about that. If it</p> <p>11 was online, that's another thing, but he</p> <p>12 was in person and sit down with you guys</p> <p>13 and you guys did this.</p> <p>14 Q. But this is the first time</p> <p>15 you're telling me that you asked the</p> <p>16 question did he bring a woman with him?</p> <p>17 MR. KESHAVARZ: Are you going</p> <p>18 to argue with her? What's your next</p> <p>19 question? Don't argue with my</p> <p>20 client. What's your question?</p> <p>21 Q. Is this the first time that you</p> <p>22 told them that?</p> <p>23 MR. KESHAVARZ: Objection,</p> <p>24 form. Go ahead.</p> <p>25 Q. Why did you not tell me that</p>	<p style="text-align: right;">Page 160</p> <p>1 F. FRANCOIS</p> <p>2 THE WITNESS: I just want to</p> <p>3 keep on going and finish this up</p> <p>4 because this thing really is</p> <p>5 stressing me since 2020.</p> <p>6 (Whereupon, Mr. Goodman logs</p> <p>7 off the Zoom meeting.)</p> <p>8 MR. KESHAVARZ: All right,</p> <p>9 let's take a break for ten minutes.</p> <p>10 (Whereupon, at 3:06 P.M., a</p> <p>11 short recess was taken.)</p> <p>12 (Back on the record at</p> <p>13 3:25 P.M.)</p> <p>14 MR. GOODMAN: Are you ready?</p> <p>15 MR. KESHAVARZ: Yes.</p> <p>16 MR. GOODMAN: Ms. Francois?</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MR. GOODMAN:</p> <p>19 Q. In this case, are you claiming</p> <p>20 that you have certain damages due to monies</p> <p>21 you expended on postage?</p> <p>22 A. Say that again.</p> <p>23 MR. GOODMAN: Can you read it</p> <p>24 back, please.</p> <p>25 (Whereupon, the referred to</p>
<p style="text-align: right;">Page 159</p> <p>1 F. FRANCOIS</p> <p>2 before when I asked you --</p> <p>3 A. I told you, but you didn't</p> <p>4 listen.</p> <p>5 Q. I didn't listen, okay.</p> <p>6 A. They bring all the paper. They</p> <p>7 bring all they paper, they say I'm going to</p> <p>8 show you what he do. And then they put all</p> <p>9 the paper. They put it in front of me and</p> <p>10 my uncle in the office. And then, he has</p> <p>11 my driver's license copy and Emmanuel</p> <p>12 driver's license copy.</p> <p>13 Q. Okay.</p> <p>14 A. Okay.</p> <p>15 MR. GOODMAN: All right. I</p> <p>16 guess I was in a different place when</p> <p>17 all that happened, but let's take a</p> <p>18 ten-minute break.</p> <p>19 MR. KESHAVARZ: Ms. Francois,</p> <p>20 do you want to keep on going and get</p> <p>21 this over with?</p> <p>22 THE WITNESS: Yeah, I want to</p> <p>23 keep on going.</p> <p>24 MR. GOODMAN: No, we're taking</p> <p>25 a break.</p>	<p style="text-align: right;">Page 161</p> <p>1 F. FRANCOIS</p> <p>2 question was read back by the</p> <p>3 Reporter.)</p> <p>4 A. What does that mean "postage?"</p> <p>5 Because I don't get it, "postage."</p> <p>6 Q. Well, it's your claim. You've</p> <p>7 claimed postage, so you tell me what you</p> <p>8 meant by that when you claimed that.</p> <p>9 MR. KESHAVARZ: Objection,</p> <p>10 form.</p> <p>11 Q. You can answer.</p> <p>12 A. I don't know what you're</p> <p>13 talking about.</p> <p>14 Q. Okay. And in this case you've</p> <p>15 make certain claims for monies you spent</p> <p>16 for copying. Do you know that you did make</p> <p>17 that claim?</p> <p>18 A. Yeah. All these paper, I make</p> <p>19 a copy of that, yeah.</p> <p>20 Q. How much did you spend on</p> <p>21 copying?</p> <p>22 A. I don't remember because I have</p> <p>23 to do copy for the police, I have to do</p> <p>24 copy for Capital One, I have to do copy for</p> <p>25 MTA to send all those paper.</p>

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1 F. FRANCOIS
 2 MR. GOODMAN: Move to strike
 3 the nonresponsive portion.
 4 Q. I'm asking you the dollar
 5 amount that you are claiming as damages
 6 from copying.
 7 A. I don't know. I don't know. I
 8 don't know to tell you that.
 9 Q. Did you take documents to like
 10 a FedEx, Kinko's or something to have them
 11 copied? Where did you have the copies?
 12 I'm sorry, let me rephrase it.
 13 A. Staples, Staples. I went to
 14 Staples and other places. I went to
 15 Staples when they were asking me for
 16 copies. I don't remember the other place I
 17 went for copies.
 18 Q. Do you have receipts for that?
 19 A. No, it's since 2020 and I'm
 20 moving from where I used to live, so I did
 21 not keep any receipt of that.
 22 Q. Okay, thank you.
 23 Now, one of your claims in this
 24 case is that you had to, quote, put your
 25 stuff in storage. Do you know that to be

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1 F. FRANCOIS
 2 one of your claims in this lawsuit?
 3 A. Yeah, because I was scared
 4 about that. Because Emmanuel was so mad
 5 and then his friend, when they been calling
 6 me on the phone and calling me and then
 7 giving me that and then calling me on
 8 blocked numbers, my husband was scared. He
 9 said you have to go to your friend or go to
 10 your family. And then all that thing we
 11 get, my bed, all my stuff from my room. I
 12 couldn't bring everything back to my uncle
 13 because I was not living there anymore and
 14 I have to put everything in storage.
 15 Q. Is it still in storage?
 16 A. No, I get rid of that because
 17 I've been paying storage. You have to pay
 18 storage every month, every month, so no.
 19 Q. How many months was it in
 20 storage?
 21 A. I leave it there for three or
 22 four months and then after that I used the
 23 car and then after that all that I got with
 24 me is my clothes and all of that I just
 25 left it.

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1 F. FRANCOIS
 2 Q. Do you have any receipts for
 3 those three or four months?
 4 A. No, I don't have any receipt
 5 for that. That was not in any mind to keep
 6 receipt for nothing. I'm losing my mind to
 7 save my life, to get out of Brooklyn.
 8 Q. Okay. So, the reason you had
 9 to put your stuff in storage was because
 10 you were threatened by Emmanuel Laforest or
 11 people with him, correct?
 12 A. Yes.
 13 Q. And you also, in this case, are
 14 claiming stress of your marriage, correct?
 15 A. Yes.
 16 Q. Now, if I understood your
 17 earlier testimony, again, you correct me if
 18 I'm wrong, you're trying to reconcile with
 19 Stanley Laforest now, correct?
 20 A. We try to -- what we built,
 21 what we had, like he say that you cannot
 22 let go, what happened with my brother, and
 23 then destroy us. I say that if I knew your
 24 brother was like -- for me, I tell him a
 25 lot of things. I say your brother can be a

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1 F. FRANCOIS
 2 killer, he can be anyone. Because if I
 3 know he be stealing people's stuff, I would
 4 never marry to you, I would never want my
 5 baby will have nothing to do with your
 6 family. And it was like every day we would
 7 have those fighting. Like, when he coming
 8 to see me, to visit me, I would always say
 9 you know what, I want to stop our
 10 relationship. This is our stress because
 11 he was going through a lot. He has to stop
 12 school, because he was in nursing school
 13 also, him, and that was a lot for us.
 14 Q. So, where are you at right now
 15 with him?
 16 A. He call me asking me if
 17 everything is okay, how is the school.
 18 Since he know I go back to school, I'm
 19 taking RN, because I did not stop from the
 20 nursing school. And he always -- if I have
 21 homework to do, I ask him because he
 22 already finish from RN, I ask him and he
 23 give me some answers and helping me with
 24 the school sometimes.
 25 Q. So, you're also claiming in

<p style="text-align: right;">Page 166</p> <p>1 F. FRANCOIS</p> <p>2 this case that your credit was damaged as a</p> <p>3 result of what happened with the BMW; is</p> <p>4 that correct?</p> <p>5 A. Yes.</p> <p>6 Q. How do you understand that your</p> <p>7 credit was damaged?</p> <p>8 A. I understand because whatever</p> <p>9 you buy, whatever you bought, if you don't</p> <p>10 pay on time, what is going to happen? It's</p> <p>11 going to drop your credit. Which is what</p> <p>12 happened to my credit score, it's been</p> <p>13 dropping, dropping, dropping, dropping,</p> <p>14 never go back where it used to do and I was</p> <p>15 trying to build my credit. Like I said</p> <p>16 before, I was trying to build my credit to</p> <p>17 be able to save my money to buy my house</p> <p>18 and which is like my credit been going</p> <p>19 down, going down which I can never do that.</p> <p>20 Q. What is the highest credit</p> <p>21 score that you ever had?</p> <p>22 MR. KESHAVARZ: Objection,</p> <p>23 form.</p> <p>24 A. (No response.)</p> <p>25 Q. You can answer.</p>	<p style="text-align: right;">Page 168</p> <p>1 F. FRANCOIS</p> <p>2 that it drop.</p> <p>3 Q. So, the highest was 780,</p> <p>4 correct?</p> <p>5 A. Yeah, it was 780.</p> <p>6 Q. 780, okay. So, do you have any</p> <p>7 documentation that would establish that,</p> <p>8 that would show that 780?</p> <p>9 A. No, no. Because the reason it</p> <p>10 was 780 is because I got American Express.</p> <p>11 To get American Express, your credit have</p> <p>12 to be good. I have an American Express</p> <p>13 card before and I have a Macy's before.</p> <p>14 Q. So, the highest ever was 780.</p> <p>15 What's the lowest it's been?</p> <p>16 A. I don't remember the lower.</p> <p>17 Because after that, I was not keep tracking</p> <p>18 my credit score, keep tracking my credit</p> <p>19 score because I know every time you go into</p> <p>20 your credit score sometimes they damage</p> <p>21 your credit score. I know that I will not</p> <p>22 keep checking my credit cards and things</p> <p>23 like that because I was planning to save my</p> <p>24 money to buy my house, so that's why I was</p> <p>25 working on my credit. So, I never go to my</p>
<p style="text-align: right;">Page 167</p> <p>1 F. FRANCOIS</p> <p>2 A. Answer? I have to give a</p> <p>3 specific number or I don't have to give a</p> <p>4 specific number?</p> <p>5 MR. KESHAVARZ: Just listen to</p> <p>6 the question. If you know the answer</p> <p>7 to the question, then say what the</p> <p>8 answer is. If you don't know, then</p> <p>9 you say you don't know. Just listen</p> <p>10 to the question. Go ahead.</p> <p>11 A. I had credit. I had credit it</p> <p>12 was like 780 before I had that. And then</p> <p>13 after that, my credit been dropping and</p> <p>14 then I been trying to build my credit</p> <p>15 again.</p> <p>16 Q. When was your credit score 780?</p> <p>17 A. I think when I get the credit.</p> <p>18 I don't remember when was that.</p> <p>19 Q. Approximately, when? Was it</p> <p>20 2016? Was it 2018?</p> <p>21 A. To tell you the truth, I don't</p> <p>22 have a specific years, a specific day it</p> <p>23 was that. But you asked me the highest</p> <p>24 score my credit been, I tell you the</p> <p>25 highest score my credit was and then after</p>	<p style="text-align: right;">Page 169</p> <p>1 F. FRANCOIS</p> <p>2 credit to tell you exactly the lower it was</p> <p>3 after that.</p> <p>4 MR. GOODMAN: Okay. Can we put</p> <p>5 letter D up? It's marked as D, we</p> <p>6 can make it Exhibit B to keep it</p> <p>7 sequential.</p> <p>8 That would be Plaintiff's</p> <p>9 Experian Report 6/11/21, Exhibit D on</p> <p>10 the e-mail, if you could share that</p> <p>11 on the screen, please.</p> <p>12 (Whereupon, the aforementioned</p> <p>13 document was marked as Defendant's</p> <p>14 Exhibit B for identification as of</p> <p>15 this date by the Reporter.)</p> <p>16 (Screen sharing.)</p> <p>17 MR. GOODMAN: Before I ask you</p> <p>18 questions about this, I just want to</p> <p>19 state for the record that we call for</p> <p>20 the production of any documents,</p> <p>21 documentation concerning the</p> <p>22 Plaintiff's credit score prior to</p> <p>23 5/30/2020 and, most specifically, a</p> <p>24 credit score of 780.</p> <p>25 BY MR. GOODMAN:</p>

<p style="text-align: right;">Page 170</p> <p>1 F. FRANCOIS</p> <p>2 Q. Can you see it on the screen,</p> <p>3 Ms. Francois?</p> <p>4 A. Yeah, I see it and I see the</p> <p>5 date was June 11, 2021.</p> <p>6 Q. Correct.</p> <p>7 A. After that.</p> <p>8 Q. Yes. Do you know what this is</p> <p>9 generally? You can look through all the</p> <p>10 pages if you want. What is it?</p> <p>11 A. This is my credit score.</p> <p>12 Q. Take your time, if you need to</p> <p>13 take your time.</p> <p>14 A. This is showing the credit</p> <p>15 score.</p> <p>16 Q. Okay. And what is your credit</p> <p>17 score on this document?</p> <p>18 A. On this document, it shows 492</p> <p>19 from June 11, 2021.</p> <p>20 Q. This was produced by your</p> <p>21 attorneys. How did you come to have this</p> <p>22 credit report dated in June of 2021?</p> <p>23 A. I don't get the question.</p> <p>24 Q. The question is: Did you ask</p> <p>25 for this? Did you personally request this</p>	<p style="text-align: right;">Page 172</p> <p>1 F. FRANCOIS</p> <p>2 MR. GOODMAN: Yeah,</p> <p>3 Ms. Francois, okay.</p> <p>4 MR. KESHAVARZ: What's your</p> <p>5 next question?</p> <p>6 BY MR. GOODMAN:</p> <p>7 Q. Did you see anything -- and you</p> <p>8 can look through it now if you want, there</p> <p>9 are 23 pages here -- did you find anything</p> <p>10 in this report that you identified as being</p> <p>11 something that Emmanuel Laforest did with</p> <p>12 your identity that caused your credit to go</p> <p>13 down?</p> <p>14 A. Just give me one second. I'm</p> <p>15 just going to get my glasses.</p> <p>16 (Brief pause.)</p> <p>17 MR. KESHAVARZ: Objection,</p> <p>18 form, but then I'll ask the Court</p> <p>19 Reporter to go page by page for all</p> <p>20 23 pages. Just let us know when</p> <p>21 you're done reading each page.</p> <p>22 (Brief pause.)</p> <p>23 A. Okay, I see the credit score,</p> <p>24 giving you the credit score, yes.</p> <p>25 Q. Well, the question was: Was</p>
<p style="text-align: right;">Page 171</p> <p>1 F. FRANCOIS</p> <p>2 credit report?</p> <p>3 A. Yeah, I was request for it to</p> <p>4 see everything that happened on my account.</p> <p>5 Like I said before, I don't know how he did</p> <p>6 all that he did on my account. Which is</p> <p>7 like the police was asking me to get my</p> <p>8 credit report and then they can see all</p> <p>9 that he did on my account.</p> <p>10 Q. Okay. And is this something</p> <p>11 your attorneys asked you to do?</p> <p>12 MR. KESHAVARZ: Wait a minute,</p> <p>13 don't answer that question. That's</p> <p>14 clearly attorney-client</p> <p>15 communication. Don't answer that</p> <p>16 question.</p> <p>17 MR. GOODMAN: No, it's not, but</p> <p>18 okay.</p> <p>19 MR. KESHAVARZ: Did your</p> <p>20 attorneys ask you to do that? I</p> <p>21 don't know how much more of an</p> <p>22 attorney-client privilege that is.</p> <p>23 So, don't answer that question.</p> <p>24 What's the next question?</p> <p>25 THE WITNESS: Yeah.</p>	<p style="text-align: right;">Page 173</p> <p>1 F. FRANCOIS</p> <p>2 there anything in this report that you</p> <p>3 attributed to or you identified as</p> <p>4 something that Emmanuel Laforest did with</p> <p>5 your identity that caused this report to be</p> <p>6 what it is?</p> <p>7 MR. KESHAVARZ: Objection.</p> <p>8 Q. Your attorney wanted you to go</p> <p>9 through each page one by one.</p> <p>10 MR. KESHAVARZ: Objection,</p> <p>11 form. Are you asking her to go</p> <p>12 through the document and ask her</p> <p>13 what's in it? Is that what you're</p> <p>14 asking?</p> <p>15 MR. GOODMAN: No, you said you</p> <p>16 wanted the Court Reporter to go</p> <p>17 through every page. I'm not saying</p> <p>18 that.</p> <p>19 MR. KESHAVARZ: What's the</p> <p>20 question on the table, Madame Court</p> <p>21 Reporter? Can you repeat it, please.</p> <p>22 (Whereupon, the referred to</p> <p>23 question was read back by the</p> <p>24 Reporter.)</p> <p>25 MR. KESHAVARZ: Objection to</p>

<p style="text-align: right;">Page 174</p> <p>1 F. FRANCOIS</p> <p>2 the form of the question.</p> <p>3 We're looking at one page on</p> <p>4 the front of the screen. You may</p> <p>5 answer, if you know.</p> <p>6 MR. GOODMAN: Well, and you</p> <p>7 previously, Ahmad, asked the Court</p> <p>8 Reporter to go page by page through</p> <p>9 all 23 pages. If that's what your</p> <p>10 problem is, let us do that. That's</p> <p>11 fine with me. If the Witness needs</p> <p>12 to go through it, that's appropriate.</p> <p>13 (Brief pause.)</p> <p>14 BY MR. GOODMAN:</p> <p>15 Q. Can you answer the question,</p> <p>16 Ms. Francois?</p> <p>17 A. Like I said, I just see my</p> <p>18 credit. The credit is in my name and it's</p> <p>19 492, Experian, date June 11, 2021. And</p> <p>20 then give you bill, 11,760; 6,055 and then</p> <p>21 give you 17,815. That's all I see in front</p> <p>22 of me.</p> <p>23 Q. Well, there are 23 pages there,</p> <p>24 if you need to look at them to answer my</p> <p>25 question. And my question again is: You</p>	<p style="text-align: right;">Page 176</p> <p>1 F. FRANCOIS</p> <p>2 be what it is?</p> <p>3 MR. KESHAVARZ: Objection to</p> <p>4 the form of the question. Go ahead.</p> <p>5 A. Yes.</p> <p>6 Q. What is it? Show us.</p> <p>7 A. It's not up on that, but if you</p> <p>8 can go through the one that's in 2020, it</p> <p>9 can show you everything that he did. You</p> <p>10 can see everything in my credit score. You</p> <p>11 would see the loan and every time that it</p> <p>12 go down and then they say for late pay,</p> <p>13 late pay, late pay. You can see</p> <p>14 everything.</p> <p>15 MR. GOODMAN: Okay. I will</p> <p>16 call for the production of the credit</p> <p>17 report from May of 2020 or prior to</p> <p>18 May 30th of 2020 that the Witness is</p> <p>19 now referring to that she says will</p> <p>20 show us everything about what her</p> <p>21 credit score was and how it came</p> <p>22 down. I call for that production.</p> <p>23 Q. Okay, do you see that red</p> <p>24 circle there with 990 percent?</p> <p>25 MR. KESHAVARZ: One second,</p>
<p style="text-align: right;">Page 175</p> <p>1 F. FRANCOIS</p> <p>2 previously testified that you wanted to</p> <p>3 pull your credit report so you could find</p> <p>4 out anything that Emmanuel Laforest did to</p> <p>5 harm your credit.</p> <p>6 A. Yeah, that's what the detective</p> <p>7 was asking me.</p> <p>8 Q. Right. So, do you see now, if</p> <p>9 you want to look at it now, or did you find</p> <p>10 then any evidence of anything Emmanuel</p> <p>11 Laforest did with your identity that might</p> <p>12 have resulted in this credit score being</p> <p>13 what it is?</p> <p>14 MR. KESHAVARZ: Objection to</p> <p>15 form.</p> <p>16 A. This is the day after. This is</p> <p>17 June 11, 2020. That happened, the thing</p> <p>18 that Emmanuel did and the dealer did on my</p> <p>19 credit was in 2020. So, this one is 2021.</p> <p>20 MR. GOODMAN: Move to strike</p> <p>21 the nonresponsive portion.</p> <p>22 Q. Again, I'm asking you, it's not</p> <p>23 a hard question, is there anything in this</p> <p>24 report that you attribute to Emmanuel</p> <p>25 Laforest that caused this credit report to</p>	<p style="text-align: right;">Page 177</p> <p>1 F. FRANCOIS</p> <p>2 there is someone at my door. You can</p> <p>3 stay on the record, just give me one</p> <p>4 second.</p> <p>5 (Brief pause.)</p> <p>6 MR. KESHAVARZ: Sorry, go</p> <p>7 ahead.</p> <p>8 Q. Ms. Francois, do you see that</p> <p>9 figure in the middle that says 990 percent</p> <p>10 inside the red and orange circle?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know what that means?</p> <p>13 A. They saying 990 percent they</p> <p>14 say overall credit use.</p> <p>15 Q. Correct. Do you understand</p> <p>16 what that means?</p> <p>17 MR. KESHAVARZ: Objection to</p> <p>18 form.</p> <p>19 Q. You can answer.</p> <p>20 A. Not really. 990 percent? No,</p> <p>21 not really. I don't understand what that</p> <p>22 means.</p> <p>23 MR. GOODMAN: Okay. Let's turn</p> <p>24 to the third page of this report and</p> <p>25 it should say Francois 95 on the</p>

<p style="text-align: right;">Page 178</p> <p>1 F. FRANCOIS</p> <p>2 bottom.</p> <p>3 (Reporter complies.)</p> <p>4 Q. Now, do you see up at the top</p> <p>5 that this says -- I don't know if I'm</p> <p>6 pronouncing it right -- Comenity</p> <p>7 Bank/Victoria? Do you see that on the</p> <p>8 upper left?</p> <p>9 A. Yeah, I see it.</p> <p>10 Q. So, it says you had a charge</p> <p>11 card with this bank; is that correct?</p> <p>12 A. Yeah, I see it shows.</p> <p>13 Q. Okay. And it shows if you look</p> <p>14 down at the bottom with the green dots and</p> <p>15 the red numbers, do you see that?</p> <p>16 A. Uh-huh.</p> <p>17 Q. It says, for example, in</p> <p>18 April 2020 there is a 30, a red number 30</p> <p>19 there, do you see that?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Do you understand what that</p> <p>22 means?</p> <p>23 A. It says 30.</p> <p>24 Q. Does it mean you were 30 days</p> <p>25 late in your payment?</p>	<p style="text-align: right;">Page 180</p> <p>1 F. FRANCOIS</p> <p>2 computer just stopped -- which is 2020</p> <p>3 you're going to see a lot like 60 days,</p> <p>4 90 days, that I didn't want to do nothing</p> <p>5 in my account. Like for September you're</p> <p>6 going to see 90 days. Yeah, 90 days, yeah.</p> <p>7 Q. How about May of 2021?</p> <p>8 A. I'm talking about 2020. 90</p> <p>9 days in September 2020, did you see that</p> <p>10 too?</p> <p>11 Q. Yeah, I see that, it's 90.</p> <p>12 A. Oh, so okay.</p> <p>13 Q. Do you understand that late</p> <p>14 payments, these 30, 60, 90 days late</p> <p>15 payments affect your credit score?</p> <p>16 A. This is not from Victoria</p> <p>17 Secret.</p> <p>18 Q. I don't know what this is. It</p> <p>19 says Comenity Bank.</p> <p>20 A. Okay. That's why I say to see</p> <p>21 the date, see the year, it was 2020. It</p> <p>22 was in September 2020, which is like three</p> <p>23 months. 90 days mean three months that</p> <p>24 never got any paid.</p> <p>25 Q. Right, exactly. My question</p>
<p style="text-align: right;">Page 179</p> <p>1 F. FRANCOIS</p> <p>2 A. Yeah, that was my Victoria</p> <p>3 Secret, when I lost it and I stopped paying</p> <p>4 them, yeah, and it went to credit.</p> <p>5 Q. I'm sorry, I didn't get that.</p> <p>6 What was your answer?</p> <p>7 A. I said that's my Victoria</p> <p>8 credit, when I stopped using them and I</p> <p>9 tell them to get me refund, because I</p> <p>10 didn't like what they told me about</p> <p>11 (inaudible) --</p> <p>12 THE COURT REPORTER: I'm sorry,</p> <p>13 please repeat yourself.</p> <p>14 A. That's the Victoria Secret.</p> <p>15 That's 30 days late which is that I did not</p> <p>16 pay them. And then they was calling me. I</p> <p>17 said they did because they have like they</p> <p>18 have to take the money directly and the</p> <p>19 lady was telling me that they was trying</p> <p>20 and they couldn't get it and then after</p> <p>21 that I paid it.</p> <p>22 Q. Okay. So, you see that as of</p> <p>23 September you were 90 days late on that --</p> <p>24 A. You can see all that. You can</p> <p>25 see all that since 2020 which is -- my</p>	<p style="text-align: right;">Page 181</p> <p>1 F. FRANCOIS</p> <p>2 is: Do you understand that not paying for</p> <p>3 90 days will affect your credit score?</p> <p>4 MR. KESHAVARZ: Objection,</p> <p>5 form.</p> <p>6 A. (No response.)</p> <p>7 Q. Yes or no?</p> <p>8 A. Yes, I understand, but I have</p> <p>9 nothing to do with that. Which is like</p> <p>10 fraud happen in your account, so before you</p> <p>11 do anything you have to know what's going</p> <p>12 on with your account. So, that's the</p> <p>13 reason the detective tell me to get all the</p> <p>14 report, don't do nothing in your account,</p> <p>15 get all your report and then tell them to</p> <p>16 send you all the credit report.</p> <p>17 Q. So, this says that in July of</p> <p>18 2020 you were 30 days delinquent, in August</p> <p>19 of 2020 you were 60 days delinquent. Is it</p> <p>20 your testimony that you were already aware</p> <p>21 of what Emmanuel Laforest did as of that</p> <p>22 date?</p> <p>23 A. No, no, I did not aware. I</p> <p>24 told you, like I said before, I went about</p> <p>25 September. If I have known what he did, I</p>

<p style="text-align: right;">Page 182</p> <p>1 F. FRANCOIS</p> <p>2 would contact Capital One early. You see</p> <p>3 the date that Capital One which is with me,</p> <p>4 which is the date that I put all the paper,</p> <p>5 which is in September, which is the date</p> <p>6 that I find out everything that happened.</p> <p>7 Before, I didn't know anything about that.</p> <p>8 Q. But as of September, on this</p> <p>9 card you were already 90 days late,</p> <p>10 correct?</p> <p>11 MR. KESHAVARZ: Objection to</p> <p>12 form.</p> <p>13 Q. Yes or no?</p> <p>14 A. Yes.</p> <p>15 Q. And you didn't know about what</p> <p>16 Emmanuel Laforest did until September,</p> <p>17 right?</p> <p>18 A. Yeah, I didn't know anything</p> <p>19 that he did. Like I said to you, I was not</p> <p>20 about my credit checking everything. Like</p> <p>21 I didn't want to go through my credit,</p> <p>22 which is I have to leave my credit, just</p> <p>23 I'm trying to save money to build my</p> <p>24 credit. I didn't know what was happening</p> <p>25 in my credit because I was not checking my</p>	<p style="text-align: right;">Page 184</p> <p>1 F. FRANCOIS</p> <p>2 MR. KESHAVARZ: It's small.</p> <p>3 I'm on my iPad.</p> <p>4 MR. GOODMAN: Okay.</p> <p>5 BY MR. GOODMAN:</p> <p>6 Q. Ms. Francois, do you see what's</p> <p>7 on the screen now?</p> <p>8 A. Uh-huh.</p> <p>9 Q. You have to say yes.</p> <p>10 A. Yes.</p> <p>11 Q. Do you see on the upper left</p> <p>12 corner, this is a TD Bank N.A., and if you</p> <p>13 go down to account type it's an unsecured</p> <p>14 loan. Do you see that?</p> <p>15 A. Yeah.</p> <p>16 Q. So, you had an unsecured loan,</p> <p>17 original amount was 10,000 from TD Bank,</p> <p>18 correct?</p> <p>19 A. Yeah, from my job, yes.</p> <p>20 Q. Do you see in 2021, February</p> <p>21 and March, you were 30 days late for those</p> <p>22 two payments?</p> <p>23 MR. KESHAVARZ: Objection to</p> <p>24 form.</p> <p>25 A. Yeah, I see it.</p>
<p style="text-align: right;">Page 183</p> <p>1 F. FRANCOIS</p> <p>2 credit every second, every time.</p> <p>3 Q. You were checking your credit</p> <p>4 every second, every time or you were not?</p> <p>5 A. No, I was not checking my</p> <p>6 credit every second, every time. If I</p> <p>7 check that, I would know that since the day</p> <p>8 that he did that.</p> <p>9 MR. GOODMAN: Move to strike.</p> <p>10 Go to two pages down, Francois</p> <p>11 97.</p> <p>12 MR. SELVEY: If it helps, I can</p> <p>13 take over the screen sharing there,</p> <p>14 if that would be easier so you can</p> <p>15 transcribe and not have to switch</p> <p>16 between those two things.</p> <p>17 THE COURT REPORTER: Yes,</p> <p>18 please. I'd appreciate that.</p> <p>19 MR. SELVEY: 97 you asked for?</p> <p>20 MR. GOODMAN: Yes.</p> <p>21 (Brief pause.)</p> <p>22 MR. SELVEY: 97, does everybody</p> <p>23 see that?</p> <p>24 MR. GOODMAN: Yes, I see it.</p> <p>25 Do you see it, Ahmad?</p>	<p style="text-align: right;">Page 185</p> <p>1 F. FRANCOIS</p> <p>2 Q. And you understand that those</p> <p>3 late payments can affect your credit score?</p> <p>4 MR. KESHAVARZ: Objection to</p> <p>5 form.</p> <p>6 Q. You can answer.</p> <p>7 A. Yeah.</p> <p>8 MR. GOODMAN: Let's go to</p> <p>9 Francois 99.</p> <p>10 A. But did you verify the ones</p> <p>11 that I paid too, for 2020 and 2021? Did</p> <p>12 you verify that also?</p> <p>13 Q. You're not here to ask</p> <p>14 questions, just answer please. Okay, so</p> <p>15 we're on Francois 99 and if you look at</p> <p>16 this one it says a Amex in the upper left.</p> <p>17 Do you see that? There is an Amex credit</p> <p>18 card, do you see that?</p> <p>19 A. I see it.</p> <p>20 Q. Do you see starting in</p> <p>21 October 2020 all the way into February of</p> <p>22 2021 you got to the point of being 120</p> <p>23 late?</p> <p>24 MR. KESHAVARZ: Objection to</p> <p>25 form.</p>

<p style="text-align: right;">Page 186</p> <p>1 F. FRANCOIS</p> <p>2 A. Okay.</p> <p>3 Q. Do you see that?</p> <p>4 A. Yeah, because he didn't want to</p> <p>5 pay for that because I didn't know if it</p> <p>6 was Emmanuel who is using it and he denied</p> <p>7 it. I said if it was not him using it,</p> <p>8 when I asked his family, which he never</p> <p>9 said that it was him because I didn't have</p> <p>10 any proof, because I went to -- I call</p> <p>11 American Express and say there is a lot of</p> <p>12 things doing in the account and I said it</p> <p>13 was not me, I'm not going to pay for that.</p> <p>14 Q. Are you saying that it was</p> <p>15 Emmanuel Laforest that was --</p> <p>16 A. I did not say it because I</p> <p>17 didn't have any proof. If you do not have</p> <p>18 proof you cannot say that someone did</p> <p>19 something. I didn't have proof and I asked</p> <p>20 my father-in-law to ask him. He said he</p> <p>21 never used my credit card, which is he</p> <p>22 never got my credit card and he never used</p> <p>23 my credit card. This was after fighting,</p> <p>24 fighting, fighting, we moved all those</p> <p>25 credit, it wasn't me doing that. That's</p>	<p style="text-align: right;">Page 188</p> <p>1 F. FRANCOIS</p> <p>2 and they were doing investigation and after</p> <p>3 that they tried to remove certain things</p> <p>4 and then it go back to normal.</p> <p>5 Q. What was the last part of that?</p> <p>6 "He go back to no more?"</p> <p>7 A. Normal. You can see in March</p> <p>8 everything is green, in April everything is</p> <p>9 green.</p> <p>10 Q. Yeah, in May of 2021 it was</p> <p>11 30 days late and then they closed the</p> <p>12 account, right?</p> <p>13 MR. KESHAVARZ: Objection,</p> <p>14 form.</p> <p>15 A. Yeah, I request them to close</p> <p>16 the account. I was request them to close</p> <p>17 the account.</p> <p>18 Q. And you did that because why?</p> <p>19 A. Because, like I said, I was</p> <p>20 trying to save. I didn't want to use all</p> <p>21 that credit card. I was trying to close</p> <p>22 some of credit card. I say I have to close</p> <p>23 it because I don't really use it.</p> <p>24 Q. But you understand that going</p> <p>25 120 days late can affect your credit score,</p>
<p style="text-align: right;">Page 187</p> <p>1 F. FRANCOIS</p> <p>2 why you can see after February, March, the</p> <p>3 account become good because then we know it</p> <p>4 was not me.</p> <p>5 Q. Okay, but you got the</p> <p>6 statements for this account, did you not?</p> <p>7 A. That was in my old, my old</p> <p>8 phone. This account is closed. I don't</p> <p>9 use this account.</p> <p>10 Q. No, but before the account was</p> <p>11 closed, you could see what the charges were</p> <p>12 that were causing the amounts due, correct?</p> <p>13 MR. KESHAVARZ: Objection,</p> <p>14 form.</p> <p>15 A. I don't know. I don't remember</p> <p>16 if I receive it or not.</p> <p>17 Q. I'm sorry. Did you see any</p> <p>18 charges that you didn't make on that card?</p> <p>19 MR. KESHAVARZ: Objection,</p> <p>20 form.</p> <p>21 A. When they calling me, I was on</p> <p>22 the phone with customer service and telling</p> <p>23 me that you're really late. I said there</p> <p>24 is a lot of things you have that it's not</p> <p>25 me and I want you guys to go over all that</p>	<p style="text-align: right;">Page 189</p> <p>1 F. FRANCOIS</p> <p>2 correct?</p> <p>3 MR. KESHAVARZ: Objection,</p> <p>4 form.</p> <p>5 A. I don't know.</p> <p>6 Q. Pardon?</p> <p>7 A. I don't know.</p> <p>8 Q. You don't know, okay.</p> <p>9 A. Uh-huh.</p> <p>10 MR. GOODMAN: Let's go to</p> <p>11 Francois 101.</p> <p>12 (Mr. Selvey complies.)</p> <p>13 Q. Same question: This is a Bank</p> <p>14 of America credit card, correct?</p> <p>15 A. (No response.)</p> <p>16 Q. You had a Bank of America</p> <p>17 credit card from 2016, starting in 2016?</p> <p>18 A. I had it and I close it in</p> <p>19 March, which is that the customer service</p> <p>20 she did not close it, which they have been</p> <p>21 charging. I went to Capital One telling</p> <p>22 them that I been closing this account since</p> <p>23 March, why I got those thing? And then</p> <p>24 which is they saying she never closed it,</p> <p>25 she never closed the account. Which is</p>

<p style="text-align: right;">Page 190</p> <p>1 F. FRANCOIS</p> <p>2 after that, when I went in May, they closed</p> <p>3 it after that. You can see June, July,</p> <p>4 August, they close it because I closed that</p> <p>5 with the customer service and which is she</p> <p>6 never close it.</p> <p>7 Q. Why did you close this account?</p> <p>8 A. Because, like I said, I didn't</p> <p>9 need to use credit cards. Which is I can</p> <p>10 use my debit card and just go buy something</p> <p>11 and just pay cash.</p> <p>12 MR. GOODMAN: Let's go to</p> <p>13 Francois 103.</p> <p>14 (Mr. Selvey complies.)</p> <p>15 MR. GOODMAN: No, let's skip</p> <p>16 that one. Let's keep moving.</p> <p>17 Q. These accounts, the one that we</p> <p>18 just looked at -- let me go back there.</p> <p>19 I'm sorry, I apologize.</p> <p>20 That was the Bank of America</p> <p>21 that you closed, you said you closed in May</p> <p>22 of 2021, right? Correct?</p> <p>23 A. Uh-huh. Yes.</p> <p>24 Q. Did you pay off the balance</p> <p>25 when you closed the card?</p>	<p style="text-align: right;">Page 192</p> <p>1 F. FRANCOIS</p> <p>2 like a scam. It wasn't me and then they</p> <p>3 drop it down and I pay what I have to pay</p> <p>4 and the account end up closed.</p> <p>5 Q. How much did you have to pay?</p> <p>6 A. I don't remember how much it</p> <p>7 was.</p> <p>8 MR. GOODMAN: Let's go to</p> <p>9 Francois 112.</p> <p>10 (Mr. Selvey complies.)</p> <p>11 Q. Do you see this page in front</p> <p>12 of you? Do you see down, halfway down it</p> <p>13 says "What's hurting," do you see that?</p> <p>14 A. Yeah. "You have a serious</p> <p>15 delinquency, 60 days past due or greater,"</p> <p>16 yeah.</p> <p>17 Q. It also says, "Number of</p> <p>18 accounts that were ever 60 days late or</p> <p>19 worse or have" --</p> <p>20 A. The accounts that you just</p> <p>21 reviewed with me.</p> <p>22 Q. Right. It says, "Virtually no</p> <p>23 FICO High Achievers have a 60 days late</p> <p>24 payment or worse listed on their credit</p> <p>25 report." Do you see that?</p>
<p style="text-align: right;">Page 191</p> <p>1 F. FRANCOIS</p> <p>2 A. Of course you have to pay all</p> <p>3 your balance because if you don't pay that</p> <p>4 it's going to go to, um --</p> <p>5 Q. Collections?</p> <p>6 A. Yes.</p> <p>7 Q. Amex, you paid off the balance</p> <p>8 due?</p> <p>9 A. Yeah, I paid everything.</p> <p>10 Q. So, if these company report it</p> <p>11 as a charge off, that would be incorrect</p> <p>12 because you actually paid it?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. Just to look at that</p> <p>15 American Express, Francois 99, you had a</p> <p>16 balance of \$6,210. So, your testimony is</p> <p>17 you paid \$6,210 to close that account?</p> <p>18 A. After they remove, like I say</p> <p>19 to you, after they removed the one that it</p> <p>20 said was in May, it drop down. It was not</p> <p>21 6,000 something, it drop down because after</p> <p>22 they removed like -- they find out, like I</p> <p>23 was saying, they were doing investigation</p> <p>24 and see that it was not me, all of that was</p> <p>25 online, because people would order online,</p>	<p style="text-align: right;">Page 193</p> <p>1 F. FRANCOIS</p> <p>2 A. Yeah. This is the account,</p> <p>3 like I said, you just reviewed with me.</p> <p>4 Q. Yes. And then, if you go down,</p> <p>5 it says "High credit usage" and it says</p> <p>6 "You've made heavy use of your available</p> <p>7 revolving credit." Do you see that?</p> <p>8 A. Where do you see that?</p> <p>9 Q. Down at the bottom, it says</p> <p>10 "High credit usage."</p> <p>11 A. Yeah.</p> <p>12 Q. It says, "Ratio of your</p> <p>13 revolving balances to your credit." I</p> <p>14 can't read the rest of that underneath</p> <p>15 "Francois."</p> <p>16 Then, if you go to the next</p> <p>17 page, it lists various reasons that went in</p> <p>18 to causing your credit score to be 492. Do</p> <p>19 you see all that?</p> <p>20 A. But did you go to the before,</p> <p>21 how much it was and all it drop it down</p> <p>22 like that? No.</p> <p>23 Q. I don't answer questions, I ask</p> <p>24 questions.</p> <p>25 MR. KESHAVARZ: But if the</p>

<p style="text-align: right;">Page 194</p> <p>1 F. FRANCOIS</p> <p>2 document says what it says, what's</p> <p>3 your question other than being --</p> <p>4 MR. GOODMAN: I asked her if</p> <p>5 she read all that and did she</p> <p>6 understand all that.</p> <p>7 A. I say you show it to me and I</p> <p>8 read that.</p> <p>9 Q. Okay. So, do you understand</p> <p>10 that nothing in these two pages of</p> <p>11 explanations for your credit score have</p> <p>12 anything to do with what Emmanuel Laforest</p> <p>13 did, the loan on the car from Capital One?</p> <p>14 A. Yeah, it did have something to</p> <p>15 do that.</p> <p>16 Q. What did --</p> <p>17 A. That's why I say to go to 2020</p> <p>18 and you can see, but you keep staying in</p> <p>19 2021 but you never go to 2020, before what</p> <p>20 he did. It was everything, but you never</p> <p>21 go to that.</p> <p>22 Q. Why don't you or your attorney</p> <p>23 show us something from 2020 to establish</p> <p>24 that, if you think that's the case?</p> <p>25 MR. KESHAVARZ: If you have a</p>	<p style="text-align: right;">Page 196</p> <p>1 F. FRANCOIS</p> <p>2 Q. Okay. I would certainly say</p> <p>3 that if that loan was rescinded and Capital</p> <p>4 One took it off your credit report and it</p> <p>5 came to nothing at all and amounted to</p> <p>6 nothing in terms of your credit, I would</p> <p>7 say it had zero affect on your credit</p> <p>8 score.</p> <p>9 MR. KESHAVARZ: Objection. All</p> <p>10 right, so what's the question?</p> <p>11 Q. That's what I would say in</p> <p>12 response to the question that you asked me.</p> <p>13 MR. KESHAVARZ: Okay, so what's</p> <p>14 the next question?</p> <p>15 MR. GOODMAN: Okay, let's go to</p> <p>16 the one that I want to go to, the</p> <p>17 TransUnion.</p> <p>18 (Screen sharing stopped.)</p> <p>19 MR. GOODMAN: That would be</p> <p>20 Exhibit H, which we can now make</p> <p>21 whatever the next one is,</p> <p>22 Ms. Reporter.</p> <p>23 THE COURT REPORTER: We're up</p> <p>24 to Exhibit C, as in Charles.</p> <p>25 MR. GOODMAN: Thank you.</p>
<p style="text-align: right;">Page 195</p> <p>1 F. FRANCOIS</p> <p>2 question, ask the question.</p> <p>3 MR. GOODMAN: That is a</p> <p>4 question.</p> <p>5 Q. Why don't you or your attorneys</p> <p>6 provide us with the documentation to show</p> <p>7 what you claim it will show? Why don't you</p> <p>8 do that?</p> <p>9 MR. KESHAVARZ: The documents</p> <p>10 say what they say. What's your</p> <p>11 question as to my client?</p> <p>12 MR. GOODMAN: I just asked her</p> <p>13 why doesn't she produce it.</p> <p>14 A. Since you say you cannot answer</p> <p>15 questions, I would like to ask you if you</p> <p>16 got a loan for \$29,000 in your account and</p> <p>17 let's say your credit score was 600 and you</p> <p>18 never paid for six months, what's going to</p> <p>19 happen to your credit score? It's going to</p> <p>20 drop down, correct?</p> <p>21 Q. I really don't not want to get</p> <p>22 into a back-and-forth with you, but I will</p> <p>23 tell you --</p> <p>24 A. So, let's get into 2020 because</p> <p>25 we're talking about what happened in 2020.</p>	<p style="text-align: right;">Page 197</p> <p>1 F. FRANCOIS</p> <p>2 (Whereupon, the aforementioned</p> <p>3 document was marked as Defendant's</p> <p>4 Exhibit C for identification as of</p> <p>5 this date by the Reporter.)</p> <p>6 (Screen sharing.)</p> <p>7 BY MR. GOODMAN:</p> <p>8 Q. Ms. Francois, do you see what's</p> <p>9 on the screen right now?</p> <p>10 A. Yes, I see the last phone, my</p> <p>11 Social and 2022, May 2022.</p> <p>12 Q. Do you see down at the bottom</p> <p>13 it says, "AKA Francois FA Jean," and then</p> <p>14 the last one says, "Jean F. Farah?"</p> <p>15 A. Yeah.</p> <p>16 Q. Do you see that?</p> <p>17 A. Yeah.</p> <p>18 Q. Did you ever go by Jean F.</p> <p>19 Farah?</p> <p>20 A. No, my name is Farah Jean</p> <p>21 Francois.</p> <p>22 Q. Okay. Is everything else</p> <p>23 accurate on that page, as far as you know?</p> <p>24 A. Yeah, my name and Social, yeah.</p> <p>25 Q. Did you cause this credit</p>

<p style="text-align: right;">Page 198</p> <p>1 F. FRANCOIS</p> <p>2 report to be generated?</p> <p>3 MR. KESHAVARZ: Objection to</p> <p>4 form.</p> <p>5 A. I don't understand.</p> <p>6 Q. How did you come about to have</p> <p>7 this credit report?</p> <p>8 MR. KESHAVARZ: Objection to</p> <p>9 form.</p> <p>10 A. (No response.)</p> <p>11 Q. Where did it come from? Did</p> <p>12 you order it yourself? Did somebody else</p> <p>13 order it?</p> <p>14 MR. KESHAVARZ: Objection to</p> <p>15 form. Go ahead.</p> <p>16 A. (No response.)</p> <p>17 Q. You can answer.</p> <p>18 A. I don't know. I don't</p> <p>19 understand what you're asking me.</p> <p>20 Q. I'm asking you how did you come</p> <p>21 about receiving this credit report?</p> <p>22 MR. KESHAVARZ: Objection to</p> <p>23 form. Go ahead.</p> <p>24 A. I don't know.</p> <p>25 Q. Well, I mean, do you remember</p>	<p style="text-align: right;">Page 200</p> <p>1 F. FRANCOIS</p> <p>2 Q. So, is that the same American</p> <p>3 Express card that we --</p> <p>4 A. I don't know, that's why I'm</p> <p>5 asking you. I don't know. I don't have no</p> <p>6 idea about what you're showing me. This is</p> <p>7 2022, I have no idea about that.</p> <p>8 MR. GOODMAN: Can we go to</p> <p>9 Francois 316.</p> <p>10 (Mr. Selvey complies.)</p> <p>11 Q. Do you have a credit card or</p> <p>12 credit account with Century 21 Department</p> <p>13 Stores?</p> <p>14 A. That was Century. That was Old</p> <p>15 Navy. I don't remember that.</p> <p>16 MR. KESHAVARZ: The screen I</p> <p>17 see says "Francois 316." Is that</p> <p>18 what you meant?</p> <p>19 MR. GOODMAN: Yes. On the</p> <p>20 bottom it says "Century 21 Department</p> <p>21 Stores" and it has an address in</p> <p>22 Columbus, Ohio. The next page, 317,</p> <p>23 shows it was closed in 2020.</p> <p>24 A. Which is paid. You see it</p> <p>25 says, "Paid, Closed; was Paid as agreed."</p>
<p style="text-align: right;">Page 199</p> <p>1 F. FRANCOIS</p> <p>2 ordering a credit report for yourself?</p> <p>3 MR. KESHAVARZ: Objection to</p> <p>4 form. Go ahead.</p> <p>5 A. I don't remember.</p> <p>6 MR. GOODMAN: All right, let's</p> <p>7 go to Francois 309.</p> <p>8 (Mr. Selvey complies.)</p> <p>9 Q. You see that it says, "Amex</p> <p>10 Department Stores?" Do you see what that</p> <p>11 is? Did you have a credit card with Amex</p> <p>12 Department Stores?</p> <p>13 A. No, I don't have any credit</p> <p>14 card no more.</p> <p>15 Q. Well, it's what it says there</p> <p>16 on the page. You can see it for yourself.</p> <p>17 Is it accurate or inaccurate?</p> <p>18 MR. KESHAVARZ: Objection to</p> <p>19 form.</p> <p>20 A. (No response.)</p> <p>21 Q. Do you see that? Do you</p> <p>22 remember having that credit card that's</p> <p>23 reported there?</p> <p>24 A. That's the American Express we</p> <p>25 were talking about which is closed.</p>	<p style="text-align: right;">Page 201</p> <p>1 F. FRANCOIS</p> <p>2 Q. Was what?</p> <p>3 A. I'm just reading what they say,</p> <p>4 that the account was paid and then closed</p> <p>5 as agreed.</p> <p>6 Q. Yeah, "Payment Received \$0."</p> <p>7 "Paid, Closed; was Paid as agreed." Okay.</p> <p>8 Next page, 318, Macy's. Do you</p> <p>9 have a Macy's credit card?</p> <p>10 A. Yeah. Like I said before, I</p> <p>11 said it to you, I had a Macy's credit card</p> <p>12 which is I called them and we talked about</p> <p>13 a lot of things and then closed it. The</p> <p>14 card closed since long. This Macy's card</p> <p>15 closed long time.</p> <p>16 Q. Why did you close the Macy's</p> <p>17 card?</p> <p>18 A. Because I don't need the credit</p> <p>19 card. Like I say to you, I don't need to</p> <p>20 use credit card because I was trying to</p> <p>21 build and save my money to buy my house.</p> <p>22 Q. Okay. Page 320, you had an Old</p> <p>23 Navy account, a credit card for Old Navy.</p> <p>24 You closed that one also, correct?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 202</p> <p>1 F. FRANCOIS</p> <p>2 Q. And then you had, on Page 322,</p> <p>3 Francois 322, you had "SYNCB/PPC," do you</p> <p>4 know what that means?</p> <p>5 A. What is that?</p> <p>6 Q. 322. Do you see where it says</p> <p>7 "SYNC?" It's a revolving credit account,</p> <p>8 credit card.</p> <p>9 A. Which credit card is that?</p> <p>10 Q. I don't know. I'm asking you</p> <p>11 if you recognize it.</p> <p>12 A. Because I don't remember that.</p> <p>13 I don't remember that.</p> <p>14 Q. Okay. There's TD Bank. You</p> <p>15 had a credit card with TD Bank also?</p> <p>16 A. Yes.</p> <p>17 Q. By the way, I think that SYNC,</p> <p>18 that's PayPal. Do you have a PayPal</p> <p>19 account?</p> <p>20 A. Yeah, I have my PayPal. I'm</p> <p>21 still using my PayPal.</p> <p>22 Q. Is there anything in this</p> <p>23 report that you can see that indicates that</p> <p>24 what the loan that was taken out with</p> <p>25 Capital One for the BMW had an affect on</p>	<p style="text-align: right;">Page 204</p> <p>1 F. FRANCOIS</p> <p>2 (Back on the record at</p> <p>3 4:21 P.M.)</p> <p>4 MR. GOODMAN: Right now I think</p> <p>5 it may not have been marked. It's</p> <p>6 what's called Exhibit E on the</p> <p>7 e-mail, the Penfed Credit Union</p> <p>8 adverse notice. And we're not going</p> <p>9 to use the Equifax Report that I had</p> <p>10 previously marked as the next one.</p> <p>11 If you can un-mark it, fine. If not,</p> <p>12 then we'll just go to the next</p> <p>13 letter.</p> <p>14 THE COURT REPORTER: Yes, let's</p> <p>15 just go to the next letter for ease</p> <p>16 of the transcript.</p> <p>17 MR. GOODMAN: Okay, that's</p> <p>18 fine.</p> <p>19 MR. KESHAVARZ: You're saying</p> <p>20 you're not suing the Equifax Report</p> <p>21 of 5/12/2022?</p> <p>22 MR. GOODMAN: That is what I</p> <p>23 said.</p> <p>24 MR. KESHAVARZ: Okay.</p> <p>25 MR. GOODMAN: Okay, so we can</p>
<p style="text-align: right;">Page 203</p> <p>1 F. FRANCOIS</p> <p>2 your credit score?</p> <p>3 MR. KESHAVARZ: Objection to</p> <p>4 form.</p> <p>5 A. I don't know.</p> <p>6 MR. GOODMAN: All right, we're</p> <p>7 almost done here.</p> <p>8 Let's look at the Equifax</p> <p>9 Report and that would be Exhibit F on</p> <p>10 the e-mail, which will now be marked</p> <p>11 as Exhibit D.</p> <p>12 (Whereupon, the aforementioned</p> <p>13 document was marked as Defendant's</p> <p>14 Exhibit D for identification as of</p> <p>15 this date by the Reporter.)</p> <p>16 MR. GOODMAN: Give me five</p> <p>17 minutes or at least three or</p> <p>18 four minutes. I have to do</p> <p>19 something.</p> <p>20 MR. KESHAVARZ: All right.</p> <p>21 Just come back on the screen when</p> <p>22 you're ready.</p> <p>23 (Screen sharing stopped.)</p> <p>24 (Whereupon, at 4:13 P.M., a</p> <p>25 short recess was taken.)</p>	<p style="text-align: right;">Page 205</p> <p>1 F. FRANCOIS</p> <p>2 mark this one that's on the screen</p> <p>3 now as Exhibit E.</p> <p>4 (Whereupon, the aforementioned</p> <p>5 document was marked as Defendant's</p> <p>6 Exhibit E for identification as of</p> <p>7 this date by the Reporter.)</p> <p>8 (Screen sharing.)</p> <p>9 BY MR. GOODMAN:</p> <p>10 Q. Ms. Francois, do you see what's</p> <p>11 on the screen right now marked --</p> <p>12 A. No, if you can make it a little</p> <p>13 bigger because I am not able to see it.</p> <p>14 (Mr. Selvey complies.)</p> <p>15 Q. Is that better? Can you see it</p> <p>16 better now?</p> <p>17 A. Yes.</p> <p>18 Q. Take a look at it and when</p> <p>19 you're done let us know.</p> <p>20 (Whereupon, the Witness peruses</p> <p>21 the document.)</p> <p>22 A. Yeah.</p> <p>23 Q. Okay. So, did there come a</p> <p>24 time that you made a request for a loan in</p> <p>25 the amount of \$42,596 in 2022 from Penfed?</p>

<p style="text-align: right;">Page 206</p> <p>1 F. FRANCOIS</p> <p>2 A. Penfed?</p> <p>3 Q. Yes.</p> <p>4 A. No, I don't remember that. I</p> <p>5 don't remember that. What is Penfed?</p> <p>6 Q. If you look up at the top, it</p> <p>7 says Penfed Credit Union and this is an</p> <p>8 Adverse Action Form addressed to you. Your</p> <p>9 attorneys took out your address and other</p> <p>10 information. Do you see that?</p> <p>11 A. Yeah, I see it, but what is</p> <p>12 that?</p> <p>13 Q. Well, I'm asking you.</p> <p>14 A. I'm asking you because you</p> <p>15 bring it to me, because I don't know, so</p> <p>16 that's why I'm asking you.</p> <p>17 Q. Well, you're the deposition</p> <p>18 witness, so I'm asking you whether you</p> <p>19 applied for a loan in the amount of</p> <p>20 \$42,596?</p> <p>21 A. I don't know because I don't</p> <p>22 know what is that. So, I'm just aware. I</p> <p>23 don't know about that, that's why I'm</p> <p>24 asking you to give me more information and</p> <p>25 to remind me because I don't know what is</p>	<p style="text-align: right;">Page 208</p> <p>1 F. FRANCOIS</p> <p>2 car? This is a car loan. You were looking</p> <p>3 for a car loan, correct?</p> <p>4 A. Yes, I went to give them my car</p> <p>5 and then to do exchange with car.</p> <p>6 Q. And they denied your credit,</p> <p>7 correct?</p> <p>8 A. Yeah, they denied because my</p> <p>9 credit here was too low.</p> <p>10 Q. Okay. And do you see on there</p> <p>11 it indicates your credit score, it says</p> <p>12 "584?"</p> <p>13 A. Yeah, which is like I said to</p> <p>14 you, after I closed all my credit card I</p> <p>15 tried to work on my credit to get my credit</p> <p>16 coming up.</p> <p>17 Q. And do you see that it says --</p> <p>18 I'm going to read from it -- "Key factors</p> <p>19 that adversely affect your credit score:"</p> <p>20 Do you see that?</p> <p>21 A. Yeah, I see. Yes, I see it.</p> <p>22 Q. And the first one is, "Time</p> <p>23 since delinquency is too recent or</p> <p>24 unknown." Do you see that?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 207</p> <p>1 F. FRANCOIS</p> <p>2 that.</p> <p>3 Q. Well, take a look at what's on</p> <p>4 the screen and see if that's refreshes your</p> <p>5 recollection.</p> <p>6 A. I don't know. That doesn't</p> <p>7 refresh my recollection.</p> <p>8 Q. You don't know, okay.</p> <p>9 A. Yeah.</p> <p>10 Q. So, if you claimed in this</p> <p>11 case, according to the legal documents,</p> <p>12 that one of your damages is that you were</p> <p>13 denied credit because of what you claim the</p> <p>14 Defendant --</p> <p>15 A. Can you go down so I can see</p> <p>16 all that and I can read what is about that?</p> <p>17 (Mr. Selvey complies.)</p> <p>18 (Whereupon, the Witness peruses</p> <p>19 the document.)</p> <p>20 A. Isn't this about the car?</p> <p>21 Q. Apparently. That's why I'm</p> <p>22 asking you. Why did you seek this loan?</p> <p>23 It does reference "Auto Gallery Imports."</p> <p>24 A. That's a car. That's a car.</p> <p>25 Q. So, you were trying to buy a</p>	<p style="text-align: right;">Page 209</p> <p>1 F. FRANCOIS</p> <p>2 Q. Okay. "Length of time accounts</p> <p>3 have been established." Do you see that?</p> <p>4 A. Yeah, I see it.</p> <p>5 Q. Do you need a minute?</p> <p>6 A. No, I'm just putting my chair.</p> <p>7 I'm okay. I'm okay.</p> <p>8 Q. Do you see "Number of accounts</p> <p>9 with delinquency?"</p> <p>10 A. Yeah, I see it.</p> <p>11 Q. And do you see "Serious</p> <p>12 delinquency?"</p> <p>13 A. Yeah.</p> <p>14 Q. Do you see "Number of</p> <p>15 inquiries, 'INQ,' adversely affected the</p> <p>16 score. Impact not significant." Do you</p> <p>17 see that?</p> <p>18 A. Yeah, I see.</p> <p>19 Q. Okay. So, do you understand</p> <p>20 that Penfed told you we cannot extend you</p> <p>21 credit for this car loan because of those</p> <p>22 reasons that are stated there?</p> <p>23 MR. KESHAVARZ: Objection to</p> <p>24 form.</p> <p>25 A. No, I don't understand that. I</p>

<p style="text-align: right;">Page 210</p> <p>1 F. FRANCOIS</p> <p>2 don't understand all that thing they</p> <p>3 saying, "13, 14, 18, 39." I don't know.</p> <p>4 Q. You don't understand that?</p> <p>5 A. Uh-uh.</p> <p>6 Q. You have to say no.</p> <p>7 A. No.</p> <p>8 Q. Is it your claim that the loan</p> <p>9 that was taken out by Mr. Laforest had</p> <p>10 anything to do with this rejection of your</p> <p>11 credit from Penfed for the car loan?</p> <p>12 A. If you go in 2020, you can see.</p> <p>13 Q. Again, I would certainly like</p> <p>14 to see if that could be provided. But in</p> <p>15 any event, I thought you were trying to</p> <p>16 save your money for a house and this is a</p> <p>17 car loan --</p> <p>18 A. Yeah, because my car, it</p> <p>19 changed, my car.</p> <p>20 Q. What do you mean?</p> <p>21 A. It changed that car. That you</p> <p>22 give your car, they will tell you, okay,</p> <p>23 the car, I'm going to buy the car from you</p> <p>24 for 5,000, for 10,000, which they are going</p> <p>25 to remove the value of your car and then</p>	<p style="text-align: right;">Page 212</p> <p>1 F. FRANCOIS</p> <p>2 Exhibit F for identification as of</p> <p>3 this date by the Reporter.)</p> <p>4 (Mr. Selvey complies.)</p> <p>5 MR. GOODMAN: Maybe you can</p> <p>6 blow that up a little bit so</p> <p>7 Ms. Francois and all of us can see it</p> <p>8 a little better.</p> <p>9 (Mr. Selvey complies.)</p> <p>10 BY MR. GOODMAN:</p> <p>11 Q. Okay, take a look at that and</p> <p>12 let us know when you're done.</p> <p>13 (Whereupon, the Witness peruses</p> <p>14 the document.)</p> <p>15 A. Yeah, that's my Mercedes-Benz.</p> <p>16 That's the first place I went to the car to</p> <p>17 do the change for that.</p> <p>18 Q. So, this is another car loan</p> <p>19 that you sought, that you applied --</p> <p>20 A. That's the first car loan I</p> <p>21 went.</p> <p>22 Q. That's the first one you went?</p> <p>23 A. Yeah.</p> <p>24 Q. Okay. Do you see the specific</p> <p>25 reasons for the action taken on your</p>
<p style="text-align: right;">Page 211</p> <p>1 F. FRANCOIS</p> <p>2 the rest you going to have to end up</p> <p>3 paying. Because I was about to change my</p> <p>4 car with them.</p> <p>5 Q. My question is: Did I</p> <p>6 misunderstand you when you said you were</p> <p>7 trying to save for a house not a car?</p> <p>8 A. Yeah, I was trying for house.</p> <p>9 It was 2020, after our marriage me and my</p> <p>10 husband was planning to buy house, but</p> <p>11 COVID coming and then everything was</p> <p>12 affected everyone which is what I was</p> <p>13 saying. Because we were not planning to</p> <p>14 stay in his family house for two years or</p> <p>15 for three years.</p> <p>16 Q. Who owns that house on Farragut</p> <p>17 Road in Brooklyn? Who is the owner?</p> <p>18 A. His grandma and his grandpa is</p> <p>19 the owner of the house.</p> <p>20 MR. GOODMAN: Could we please</p> <p>21 pull up what's marked as Exhibit G,</p> <p>22 which will now be Exhibit F for the</p> <p>23 deposition.</p> <p>24 (Whereupon, the aforementioned</p> <p>25 document was marked as Defendant's</p>	<p style="text-align: right;">Page 213</p> <p>1 F. FRANCOIS</p> <p>2 application?</p> <p>3 A. Yeah, yeah, they was telling me</p> <p>4 the same thing because my credit was down.</p> <p>5 Q. Where it says, "Presence of</p> <p>6 recent delinquency on file," do you</p> <p>7 understand that to have anything to do with</p> <p>8 the Capital One loan and Emmanuel Laforest?</p> <p>9 MR. KESHAVARZ: Objection to</p> <p>10 form.</p> <p>11 A. I don't know.</p> <p>12 Q. What about "No comparable</p> <p>13 credit?" Same question.</p> <p>14 MR. KESHAVARZ: Objection to</p> <p>15 form.</p> <p>16 A. I don't know about that, what</p> <p>17 you're saying.</p> <p>18 Q. "High loan amount relative to</p> <p>19 vehicle value," does that have anything to</p> <p>20 do with Emmanuel Laforest and Capital One?</p> <p>21 MR. KESHAVARZ: Objection to</p> <p>22 form.</p> <p>23 A. No idea about that.</p> <p>24 Q. No idea.</p> <p>25 MR. KESHAVARZ: Mr. Goodman, it</p>

<p style="text-align: right;">Page 214</p> <p>1 F. FRANCOIS</p> <p>2 is now 4:32, if you'd like to take my</p> <p>3 client's deposition beyond 5:00,</p> <p>4 that's fine, but now would be the</p> <p>5 time to get the Court Reporter in.</p> <p>6 If 5:00 comes and the deposition runs</p> <p>7 out of time, then I'm not bringing my</p> <p>8 client back. So, now is time to make</p> <p>9 the call if you want to. Do you want</p> <p>10 to go past 5:00?</p> <p>11 MR. GOODMAN: I'll see what I</p> <p>12 want to do. I hear what you're</p> <p>13 saying. Let's not take any more of</p> <p>14 the record with your comments.</p> <p>15 BY MR. GOODMAN:</p> <p>16 Q. Ms. Francois, in your Complaint</p> <p>17 in this case, are you familiar with the</p> <p>18 Complaint that your attorneys filed for you</p> <p>19 in this case?</p> <p>20 A. If I'm familiar with what?</p> <p>21 Q. The Complaint. The legal</p> <p>22 document where you started the lawsuit that</p> <p>23 we're here about today.</p> <p>24 A. Yeah, I know what it is, yeah.</p> <p>25 Q. Did you ever read that</p>	<p style="text-align: right;">Page 216</p> <p>1 F. FRANCOIS</p> <p>2 Q. When did you stop crying?</p> <p>3 MR. KESHAVARZ: Objection to</p> <p>4 form.</p> <p>5 A. I don't remember when I stopped</p> <p>6 crying because that was take me a while</p> <p>7 because me almost losing my job and I was</p> <p>8 in school, keep dropping school, calling</p> <p>9 out, I cannot coming to school. It was not</p> <p>10 easy for me.</p> <p>11 Q. You said several times almost</p> <p>12 losing your job, first of all, what job was</p> <p>13 that?</p> <p>14 A. TD Bank.</p> <p>15 Q. How is it that you almost lost</p> <p>16 your job?</p> <p>17 A. Like I said early, because they</p> <p>18 been calling me and then I was customer</p> <p>19 service worker at the time and then my</p> <p>20 phone I have to answer. Capital One was</p> <p>21 calling me and then the dealer's son was</p> <p>22 texting me, calling me about to send the</p> <p>23 title and my boss saw me answer phone and</p> <p>24 then I was with customer in front of me and</p> <p>25 he said you're going to have to take one</p>
<p style="text-align: right;">Page 215</p> <p>1 F. FRANCOIS</p> <p>2 Complaint?</p> <p>3 A. Yeah, because everything that</p> <p>4 my lawyer did, my lawyer contact me and</p> <p>5 talk to me about everything my lawyer have</p> <p>6 to do.</p> <p>7 MR. GOODMAN: Move to strike</p> <p>8 the portion that is nonresponsive.</p> <p>9 Q. Did you actually read the</p> <p>10 Complaint?</p> <p>11 A. Yes.</p> <p>12 Q. You did read the Complaint,</p> <p>13 okay. And you know that in the Complaint</p> <p>14 you allege that when you learned about the</p> <p>15 identity theft, you could not stop crying?</p> <p>16 A. Yes.</p> <p>17 Q. Have you stopped crying yet?</p> <p>18 MR. KESHAVARZ: Objection to</p> <p>19 form.</p> <p>20 A. I don't know.</p> <p>21 Q. You don't know? Are you still</p> <p>22 crying?</p> <p>23 A. I'm still not crying, but I'm</p> <p>24 still trying to figure out what happened to</p> <p>25 me.</p>	<p style="text-align: right;">Page 217</p> <p>1 F. FRANCOIS</p> <p>2 week and we're going to have to request you</p> <p>3 to stop coming for one week to figure out</p> <p>4 to what happened to you and to deal with</p> <p>5 that and then when you feel you're able to</p> <p>6 coming back to work, you can coming back to</p> <p>7 work.</p> <p>8 Q. Nobody ever actually told you</p> <p>9 you might lose your job over this, correct?</p> <p>10 In fact, they actually accommodated you to</p> <p>11 give you the opportunity to deal with it;</p> <p>12 is that correct?</p> <p>13 MR. KESHAVARZ: Objection to</p> <p>14 form.</p> <p>15 A. That's not what it is. Because</p> <p>16 if they stop me they will replace me with</p> <p>17 someone because I could not be able to do</p> <p>18 my job.</p> <p>19 Q. Did anybody tell you that, that</p> <p>20 they might replace you with someone?</p> <p>21 A. Yeah, because I was crying.</p> <p>22 Because every time Capital One calling me</p> <p>23 and if I'm coming back, I went to the</p> <p>24 bathroom crying and then my assistant was</p> <p>25 seeing me crying and then my boss was</p>

<p style="text-align: right;">Page 218</p> <p>1 F. FRANCOIS</p> <p>2 asking her why Farah been crying, you know</p> <p>3 Farah have a customer, if she not able to</p> <p>4 do the job, she have to let us know.</p> <p>5 Q. But you were able to do the</p> <p>6 job, correct?</p> <p>7 A. I was not 100 able to do the</p> <p>8 job because I was more concerned about what</p> <p>9 Capital One going to do. Because every</p> <p>10 time they say, okay, they're going to call</p> <p>11 me back, they will call me back, which that</p> <p>12 was about that.</p> <p>13 Q. So, in terms of your crying and</p> <p>14 going to the bathroom, how much of that had</p> <p>15 to do with the threats that you thought you</p> <p>16 were getting from Emmanuel Laforest?</p> <p>17 A. Can you explain it to me better</p> <p>18 because I don't get it?</p> <p>19 MR. KESHAVARZ: Objection.</p> <p>20 Q. According to you, you received</p> <p>21 texts from Emmanuel Laforest or maybe other</p> <p>22 people --</p> <p>23 A. Uh-huh.</p> <p>24 Q. -- that basically threatened</p> <p>25 you, you can't come back to Brooklyn, stuff</p>	<p style="text-align: right;">Page 220</p> <p>1 F. FRANCOIS</p> <p>2 following up.</p> <p>3 MR. GOODMAN: All right, so I</p> <p>4 guess we're going to have to get</p> <p>5 another reporter then. You didn't</p> <p>6 mention that.</p> <p>7 Can you call now, Madame</p> <p>8 Reporter? How long would it be?</p> <p>9 THE COURT REPORTER: Yes.</p> <p>10 (Whereupon, an off-the-record</p> <p>11 discussion was held.)</p> <p>12 MR. GOODMAN: Can you read back</p> <p>13 my last question, whatever the last</p> <p>14 thing I said was.</p> <p>15 (Whereupon, the referred to</p> <p>16 question and answer were read back by</p> <p>17 the Reporter.)</p> <p>18 BY MR. GOODMAN:</p> <p>19 Q. Ms. Francois, wouldn't it be</p> <p>20 fair to say that the amount of emotional</p> <p>21 distress you had, the crying, is really</p> <p>22 caused by Emmanuel Laforest? His threats</p> <p>23 to you and everything he did, what you</p> <p>24 learned about him stealing from you,</p> <p>25 stealing your identity, your mail, that's</p>
<p style="text-align: right;">Page 219</p> <p>1 F. FRANCOIS</p> <p>2 like that, correct? Am I right about that?</p> <p>3 A. Yes, correct.</p> <p>4 Q. Okay. And I would imagine that</p> <p>5 caused you distress, correct? In fact, you</p> <p>6 already testified to that?</p> <p>7 A. Yeah, that make me stress and</p> <p>8 that make me -- if I go to work, I was</p> <p>9 always like this, to look on the street, to</p> <p>10 see if somebody following me to my job, to</p> <p>11 see where I'm working, if something is</p> <p>12 going to happen to me.</p> <p>13 MR. KESHAVARZ: Let me pause</p> <p>14 you, Mr. Goodman. I'm going to have</p> <p>15 some redirect. So, when are you</p> <p>16 going to be done? I'm going to have</p> <p>17 some questions of my own and that</p> <p>18 might take --</p> <p>19 MR. GOODMAN: You didn't</p> <p>20 mention that before. Thank you for</p> <p>21 bringing that up, Ahmad. How much do</p> <p>22 you have about?</p> <p>23 MR. KESHAVARZ: I doubt I have</p> <p>24 a lot, but it's already 4:37. I</p> <p>25 don't want to be precluded from</p>	<p style="text-align: right;">Page 221</p> <p>1 F. FRANCOIS</p> <p>2 what caused your stress, correct?</p> <p>3 MR. KESHAVARZ: Objection to</p> <p>4 form.</p> <p>5 A. Yes.</p> <p>6 Q. Thank you. Your Complaint also</p> <p>7 alleges that you took time off from work.</p> <p>8 How much? Is that the one week you took</p> <p>9 off, that your boss at TD Bank said take a</p> <p>10 week and figure it out? Was there any</p> <p>11 other time off from work?</p> <p>12 A. Yeah. Remember I took one week</p> <p>13 because the week after that happened, I was</p> <p>14 having customer. I was open a mortgage for</p> <p>15 the customer and then I did not put the</p> <p>16 correct information, which is I was not</p> <p>17 concentrated 100 percent, and the</p> <p>18 information of the customer did not go</p> <p>19 correct. And which is my boss call me and</p> <p>20 tell me that which is why I was telling you</p> <p>21 to take a week because you're not</p> <p>22 concentrated enough. I had said that and I</p> <p>23 said I'm sorry. I went to my office and</p> <p>24 did it correct and then after that I left</p> <p>25 and then take one week and then coming back</p>

<p style="text-align: right;">Page 222</p> <p>1 F. FRANCOIS</p> <p>2 after one week that I take off.</p> <p>3 Q. Well, the question was: Did</p> <p>4 you take any other time off of work other</p> <p>5 than that one week that you just told us</p> <p>6 about and previously told us about?</p> <p>7 A. No. If I have to go to police,</p> <p>8 I just take one day or call out. By the</p> <p>9 time this happened, I been calling out.</p> <p>10 Today I can call out, tomorrow I can come</p> <p>11 in. Tomorrow I been like calling out for</p> <p>12 days to go to work.</p> <p>13 MR. GOODMAN: Move to the</p> <p>14 strike the nonresponsive portion.</p> <p>15 Q. Ms. Francois --</p> <p>16 A. It is an answer to the question</p> <p>17 because I take a day to fix those papers,</p> <p>18 to go to the police, get those paper and</p> <p>19 then to print that paper and send it to</p> <p>20 Capital One. And then they even send me to</p> <p>21 Capital One to go in person.</p> <p>22 Q. When was that that they sent</p> <p>23 you to Capital One in person?</p> <p>24 A. Because it is after they ask</p> <p>25 me, they need me to staples the paper. And</p>	<p style="text-align: right;">Page 224</p> <p>1 F. FRANCOIS</p> <p>2 at some point in time, you just don't</p> <p>3 remember when, correct?</p> <p>4 A. Yeah, they been sending me</p> <p>5 paper. I received a lot of paper from</p> <p>6 them. So, I received paper from them. I</p> <p>7 don't remember of when exactly the date I</p> <p>8 receive each of those paper.</p> <p>9 Q. Okay. And those papers</p> <p>10 actually told you that they took that loan</p> <p>11 off of your credit report, correct?</p> <p>12 MR. KESHAVARZ: Objection to</p> <p>13 form.</p> <p>14 A. I don't remember.</p> <p>15 Q. You don't remember that?</p> <p>16 A. No.</p> <p>17 Q. So, did you lose any pay or</p> <p>18 salary from TD Bank for the time that you</p> <p>19 took off that you claimed had to do with</p> <p>20 this problem, with the BMW claim?</p> <p>21 MR. KESHAVARZ: Objection to</p> <p>22 form.</p> <p>23 A. Say that again. I don't get</p> <p>24 it.</p> <p>25 Q. I'm sorry. Did you lose any</p>
<p style="text-align: right;">Page 223</p> <p>1 F. FRANCOIS</p> <p>2 then I said where do I'm going to send the</p> <p>3 papers? They said you have to go to any</p> <p>4 Capital One and then give it to the</p> <p>5 customer service, give it to one of them</p> <p>6 and explain to them. They will send me a</p> <p>7 number that I have to give it to them and</p> <p>8 they will send, they will fax those paper</p> <p>9 to them.</p> <p>10 Q. When was that that that</p> <p>11 happened?</p> <p>12 A. I don't remember the day. I</p> <p>13 don't remember the day. It is after I fill</p> <p>14 all those papers and staples that. It was</p> <p>15 maybe in September or October.</p> <p>16 Q. Of 2020, correct?</p> <p>17 A. Yeah, maybe September or</p> <p>18 October, between that.</p> <p>19 Q. When did you receive a response</p> <p>20 from Capital One that they made a decision</p> <p>21 on your fraud claim?</p> <p>22 A. I don't remember. I don't</p> <p>23 remember when did I receive that. No, the</p> <p>24 date, I don't remember that.</p> <p>25 Q. But you did receive a response</p>	<p style="text-align: right;">Page 225</p> <p>1 F. FRANCOIS</p> <p>2 pay? Did you lose anything from your</p> <p>3 paycheck, any salary for the time that you</p> <p>4 say that you took off, that one week you</p> <p>5 took off and maybe another day or two, if I</p> <p>6 understood you correctly?</p> <p>7 A. Yeah, if you did not go to</p> <p>8 work, if you don't have any sick days,</p> <p>9 which they are not going to pay you. I</p> <p>10 already took one week, it is my sick days.</p> <p>11 The one week that I take it is my sick</p> <p>12 days. After that, you call out, call out</p> <p>13 which you're not going to get paid. And I</p> <p>14 was not focused on that. All I was focused</p> <p>15 on was to figure out to fix those things.</p> <p>16 Q. So, how much money did you lose</p> <p>17 as a result of not working on those days?</p> <p>18 A. I don't know. I don't</p> <p>19 remember.</p> <p>20 Q. Are you claiming that in this</p> <p>21 case?</p> <p>22 MR. KESHAVARZ: Objection,</p> <p>23 form. "Claiming that in this case?"</p> <p>24 Q. Are you alleging damages in</p> <p>25 this case for the amount you say that you</p>

<p style="text-align: right;">Page 226</p> <p>1 F. FRANCOIS</p> <p>2 weren't paid for the time you took off from</p> <p>3 TD Bank?</p> <p>4 MR. KESHAVARZ: Objection to</p> <p>5 the form of the question.</p> <p>6 You may answer, if you know.</p> <p>7 A. I don't know. I don't know.</p> <p>8 Q. You don't know, okay. You also</p> <p>9 alleged in your Complaint that the stress</p> <p>10 from this situation caused you to lose as</p> <p>11 much as 25 pounds. Do you remember that?</p> <p>12 A. Yeah, and I have a picture of</p> <p>13 that, definitely.</p> <p>14 MR. GOODMAN: I will call for</p> <p>15 the production of that picture.</p> <p>16 Q. How much did you weigh on</p> <p>17 May 30th of 2020?</p> <p>18 A. I weigh before, I was like 147,</p> <p>19 147.</p> <p>20 Q. When were you 147?</p> <p>21 A. Before my birthday. Like on</p> <p>22 May, June, I was 147, but I keep dropping,</p> <p>23 losing weight September, October, November.</p> <p>24 Yeah, I lose a lot of weight.</p> <p>25 Q. Well, at the lowest weight that</p>	<p style="text-align: right;">Page 228</p> <p>1 F. FRANCOIS</p> <p>2 records from that doctor that would</p> <p>3 corroborate, or not, the testimony</p> <p>4 that Ms. Francois just gave about</p> <p>5 weight loss and what she told the</p> <p>6 doctor.</p> <p>7</p> <p>8 Q. What is your weight today?</p> <p>9 A. My weight now? I'm 170.</p> <p>10 Q. But you're pregnant now right?</p> <p>11 A. Yeah.</p> <p>12 Q. So, before you got pregnant,</p> <p>13 what was your weight?</p> <p>14 MR. KESHAVARZ: Objection.</p> <p>15 A. My weight was 155.</p> <p>16 Q. So, you went down to 122 and</p> <p>17 then came back up to 155; is that fair?</p> <p>18 A. Yeah, I'm 150 before I get</p> <p>19 pregnant. Yeah, yeah, I was 150, 155.</p> <p>20 Q. So, when you went down to 122,</p> <p>21 were you uncomfortable at 122? Were you</p> <p>22 unhappy being that way?</p> <p>23 A. My anemia was worse because I</p> <p>24 have anemia.</p> <p>25 Q. Are you on any medication for</p>
<p style="text-align: right;">Page 227</p> <p>1 F. FRANCOIS</p> <p>2 you went down to after you found out about</p> <p>3 what Emmanuel Laforest did to you, what was</p> <p>4 that weight?</p> <p>5 A. I was losing -- I remember I</p> <p>6 lose -- I become 122 the last time I went</p> <p>7 to my doctor. And then he was telling me</p> <p>8 did you sick? What happened to you? And I</p> <p>9 was explaining to my doctor what happened</p> <p>10 to me. Because he was thinking it's from</p> <p>11 my asthma. I said no, my asthma has</p> <p>12 nothing to do with that.</p> <p>13 Q. What's the name of that doctor?</p> <p>14 A. That's the PCP I have before</p> <p>15 when I was in MetroPlus, but which I'm not</p> <p>16 in MetroPlus now.</p> <p>17 Q. What's his or her name?</p> <p>18 A. I don't remember his name. I</p> <p>19 don't remember his name because I don't use</p> <p>20 MetroPlus no more. I'm using Health First.</p> <p>21 MR. GOODMAN: I ask the</p> <p>22 Reporter to leave a space in the</p> <p>23 transcript, you can fill in his name.</p> <p>24 And I will call for production of an</p> <p>25 authorization for the doctor, for the</p>	<p style="text-align: right;">Page 229</p> <p>1 F. FRANCOIS</p> <p>2 anemia?</p> <p>3 A. No, no, I wasn't taking no</p> <p>4 medication. And I would go see the doctor</p> <p>5 just because I need a pump for my asthma.</p> <p>6 I went to see my doctor and he weighed me</p> <p>7 and by that time he said you're losing</p> <p>8 weight and I explained to him what</p> <p>9 happened.</p> <p>10 Q. So, you mentioned a pump for</p> <p>11 your asthma, do you still use the pump?</p> <p>12 A. Yeah, I have asthma.</p> <p>13 Q. And that's been constant from</p> <p>14 before May of 2020?</p> <p>15 A. No, I was never have that</p> <p>16 constantly, constantly, but after that,</p> <p>17 when I'm stressing, it's been like getting</p> <p>18 worse. After that, I don't use it</p> <p>19 constantly.</p> <p>20 Q. After what? You said "after</p> <p>21 that."</p> <p>22 A. If I'm not stressing on</p> <p>23 anything, I don't use my pump constantly,</p> <p>24 like I have to take it every day, no.</p> <p>25 Q. Are you claiming that after you</p>

<p style="text-align: right;">Page 230</p> <p>1 F. FRANCOIS</p> <p>2 found out about the Capital One loan, after</p> <p>3 you found out what Emmanuel Laforest did to</p> <p>4 you, did you have to use your pump more</p> <p>5 frequently?</p> <p>6 A. Definitely. The same day I</p> <p>7 used it more twice because I was with my</p> <p>8 friend in the car, she was with me and she</p> <p>9 said get your pump because you couldn't</p> <p>10 breathe. Yeah, I use it.</p> <p>11 Q. Who prescribed you that pump?</p> <p>12 A. My doctor. Because since I was</p> <p>13 young I have asthma.</p> <p>14 Q. The same doctor?</p> <p>15 A. Every doctor that I see</p> <p>16 prescribe me my pump for my asthma,</p> <p>17 Ventolin.</p> <p>18 Q. You also alleged in your</p> <p>19 Complaint that you could not sleep. Was</p> <p>20 there a period of time that you lost sleep?</p> <p>21 A. Yeah, this day I did not sleep</p> <p>22 all day. And after that, I would be</p> <p>23 thinking about when that's going to be end,</p> <p>24 when that's going to be end, always</p> <p>25 thinking my name. Like I was saying, that</p>	<p style="text-align: right;">Page 232</p> <p>1 F. FRANCOIS</p> <p>2 scared about what he can do with the car</p> <p>3 because I don't know the type of a friend</p> <p>4 that he have that he can end up with the</p> <p>5 car and that can cause me in this country</p> <p>6 because it was like that can put me in</p> <p>7 trouble.</p> <p>8 Q. So, him threatening you, that</p> <p>9 did not cause you to lose sleep?</p> <p>10 MR. KESHAVARZ: Objection to</p> <p>11 form.</p> <p>12 A. Yes, of course, because I'm</p> <p>13 scared.</p> <p>14 Q. You were scared, right?</p> <p>15 A. Yeah, of course.</p> <p>16 Q. Okay. You also, in your</p> <p>17 Complaint, you said that you, quote, got</p> <p>18 black bags under your eyes?</p> <p>19 A. Say that again.</p> <p>20 Q. I'll just read Paragraph 162 of</p> <p>21 Plaintiff's Amended Complaint.</p> <p>22 "She could not sleep" -- "she"</p> <p>23 is you -- "and got black bags under her</p> <p>24 eyes from the lack of sleep."</p> <p>25 THE WITNESS: What does that</p>
<p style="text-align: right;">Page 231</p> <p>1 F. FRANCOIS</p> <p>2 I was scared that he did something with the</p> <p>3 car. Because most people that I explain</p> <p>4 they say, hey, if he do something with the</p> <p>5 car, it's going to be on you, the police is</p> <p>6 going to go after you because the car is in</p> <p>7 your name. That was makes me very scared.</p> <p>8 Q. Were you scared because</p> <p>9 Emmanuel Laforest was threatening</p> <p>10 you through text messages?</p> <p>11 MR. KESHAVARZ: Objection,</p> <p>12 form.</p> <p>13 Q. You can answer.</p> <p>14 A. Say that again.</p> <p>15 Q. Let me rephrase the question.</p> <p>16 Did you lose sleep because</p> <p>17 Emmanuel Laforest, you were afraid of</p> <p>18 Emmanuel Laforest because he had threatened</p> <p>19 you with text messages that you can't come</p> <p>20 back to Brooklyn, that stuff?</p> <p>21 MR. KESHAVARZ: Objection to</p> <p>22 form.</p> <p>23 A. I was losing sleep because what</p> <p>24 happened to me because I couldn't imagine</p> <p>25 that me in this situation. Always I was</p>	<p style="text-align: right;">Page 233</p> <p>1 F. FRANCOIS</p> <p>2 mean, Ahmad?</p> <p>3 Q. That's your Complaint. This is</p> <p>4 your Complaint in this lawsuit.</p> <p>5 A. They say I do blackmail?</p> <p>6 Q. Black bags under your eyes.</p> <p>7 A. Oh, yeah, under my eyes. Yeah,</p> <p>8 because I couldn't sleep, like my eyes were</p> <p>9 getting black. When you don't sleep, your</p> <p>10 eyes will look like so tired. Like you're</p> <p>11 going to get like dark circle and the bag</p> <p>12 here is going to end up getting big because</p> <p>13 you're not sleeping enough.</p> <p>14 Q. How long did you have black</p> <p>15 bags under your eyes?</p> <p>16 A. That definitely I cannot tell</p> <p>17 you how long it take that to remove all of</p> <p>18 it, how long it took me to go back to that.</p> <p>19 Q. You can't tell you?</p> <p>20 A. I don't have a time.</p> <p>21 Q. Did you seek any treatment from</p> <p>22 any healthcare professional or cosmetician</p> <p>23 or something to take care of your black</p> <p>24 bags?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 234</p> <p>1 F. FRANCOIS</p> <p>2 Q. Did you buy any special formula</p> <p>3 or makeup or anything for those black bags</p> <p>4 under your eyes?</p> <p>5 A. I usually don't wear makeup,</p> <p>6 no.</p> <p>7 MR. KESHAVARZ: Madame Court</p> <p>8 Reporter, how are we doing in getting</p> <p>9 a replacement?</p> <p>10 THE COURT REPORTER: They</p> <p>11 haven't responded yet.</p> <p>12 BY MR. GOODMAN:</p> <p>13 Q. Ms. Francois, can you tell me</p> <p>14 who Darline, D-A-R-L-I-N-E, Dumel,</p> <p>15 D-U-M-E-L is?</p> <p>16 A. Yes, Darline is my best friend</p> <p>17 and I'm the godmom of her daughter.</p> <p>18 Q. And the what?</p> <p>19 A. Godmom of her daughter.</p> <p>20 Q. You are the godmother of her</p> <p>21 daughter?</p> <p>22 A. Yes.</p> <p>23 Q. What is her address?</p> <p>24 A. The address is in New Jersey.</p> <p>25 It's 19 Montrose, South Orange, New Jersey.</p>	<p style="text-align: right;">Page 236</p> <p>1 F. FRANCOIS</p> <p>2 Q. Okay. Was your husband there?</p> <p>3 A. No, my husband wasn't there</p> <p>4 because we didn't know that we were going</p> <p>5 to have a party. Because I just went there</p> <p>6 to visit Darline and then she say you're</p> <p>7 not going home.</p> <p>8 Q. Did you spend the night there</p> <p>9 that night?</p> <p>10 A. Yeah, all night, because it was</p> <p>11 my birthday.</p> <p>12 Q. Can you tell me who Hilda Perez</p> <p>13 is?</p> <p>14 A. That's my assistant manager</p> <p>15 from TD Bank.</p> <p>16 Q. Just tell me -- I should have</p> <p>17 asked you before -- what was your job at TD</p> <p>18 Bank? Just tell me your duties and</p> <p>19 functions. You said you were a --</p> <p>20 A. Customer service</p> <p>21 representative.</p> <p>22 Q. What did you do as a customer</p> <p>23 service representative?</p> <p>24 A. It was in December, after my</p> <p>25 graduation from the nursing school.</p>
<p style="text-align: right;">Page 235</p> <p>1 F. FRANCOIS</p> <p>2 Q. 19 what?</p> <p>3 A. Montrose, M-O-N-T-R-O-S-E.</p> <p>4 Q. Montrose?</p> <p>5 A. Yeah.</p> <p>6 Q. Now, she's your best friend.</p> <p>7 Who is she? Is she a co-worker? Did she</p> <p>8 work with you? Is she your friend from the</p> <p>9 neighborhood?</p> <p>10 A. No, we been friends since we</p> <p>11 were in Haiti.</p> <p>12 Q. She's from Haiti also?</p> <p>13 A. Yes, she's from Haiti also.</p> <p>14 Q. Were you with her on May 30th</p> <p>15 of 2020?</p> <p>16 A. Yeah, that was for my birthday.</p> <p>17 She was doing a birthday party for me at</p> <p>18 her house in New Jersey.</p> <p>19 Q. Who else was at that party?</p> <p>20 A. Another of her friends that she</p> <p>21 invited because it was basically a surprise</p> <p>22 party.</p> <p>23 Q. It was a what?</p> <p>24 A. It was a surprise. A party</p> <p>25 surprise.</p>	<p style="text-align: right;">Page 237</p> <p>1 F. FRANCOIS</p> <p>2 Q. No, what did you do? What were</p> <p>3 your functions?</p> <p>4 A. What I do is open checking</p> <p>5 account, saving account, apply for</p> <p>6 mortgage, loan for customer. And also, if</p> <p>7 they have a fraud on the account, if they</p> <p>8 have fraud like doing online on the</p> <p>9 account, I have to make the complaint for</p> <p>10 them and send it to the back office and</p> <p>11 then the back office will figure out all</p> <p>12 about that.</p> <p>13 Q. Who did you report to? Who was</p> <p>14 the next person, your boss, let's put it</p> <p>15 that way, at TD Bank?</p> <p>16 A. Hilda Perez. And then my old</p> <p>17 manager who was there, he's not there</p> <p>18 anymore, was my old manager. Radamos</p> <p>19 Alvelo was my manager.</p> <p>20 THE COURT REPORTER: What's the</p> <p>21 name?</p> <p>22 THE WITNESS: Radamos Alvelo.</p> <p>23 It's R-A-D-A-M-O-S. Alvelo is</p> <p>24 A-L-V-E-L-O.</p> <p>25 MR. KESHAVARZ: How are we</p>

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1 F. FRANCOIS
2 doing with the new reporter, Sophia?
3 (Whereupon, an off-the-record
4 discussion was held.)
5 EXAMINATION BY
6 MR. KESHAVARZ:
7 Q. Ms. Francois, do you remember
8 the testimony --
9 MR. SELVEY: Oh, so you're just
10 going to go? Is this your deposition
11 Ahmad?
12 Q. Ms. Francois, do you
13 remember --
14 MR. GOODMAN: No, Ahmad, we're
15 not doing this.
16 Q. Do you remember --
17 MR. GOODMAN: No, no, no,
18 Ahmad.
19 THE WITNESS: Let me just hear
20 the one question that he has to ask
21 me. Let me just hear it.
22 MR. GOODMAN: How many
23 questions do you have, Ahmad?
24 MR. KESHAVARZ: I will be done
25 in four minutes if you stop

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1 F. FRANCOIS
2 interrupting me.
3 MR. GOODMAN: I'm interrupting
4 you in my deposition? I mean, come
5 on, this is outrageous. Your
6 behavior is just unreal, Ahmad.
7 MR. KESHAVARZ: All right, but
8 you don't have a Court Reporter for a
9 long enough period, so stop
10 interrupting me and let me just ask
11 my questions, okay.
12 MR. GOODMAN: I'm not going to
13 stop interrupting you. You just
14 don't take over like that.
15 THE WITNESS: Oh, Lord.
16 BY MR. KESHAVARZ:
17 Q. Ms. Francois, do you remember
18 your testimony before, about crying at
19 work? Do you remember that?
20 A. Yes.
21 MR. GOODMAN: Objection to
22 form.
23 Q. Is part of the reason you were
24 crying was because Capital One was calling
25 you and saying you owed them money?

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1 F. FRANCOIS
2 MR. GOODMAN: Objection to
3 form.
4 A. Yes, definitely because
5 although I'm going to get all that money,
6 this is what make me crying and I was
7 stressing.
8 Q. Now, would any of this have
9 happened, with Mr. Laforest calling you or
10 threatening you, if the dealership did not,
11 in fact, pull your credit and, in fact,
12 give a loan in your name, and --
13 A. This would --
14 MR. GOODMAN: Objection to
15 form. This doesn't fairly --
16 A. Yes, this would never happen --
17 THE COURT REPORTER: I'm sorry,
18 you need to stop. Please speak one
19 at a time --
20 THE WITNESS: Thank you.
21 THE COURT REPORTER: -- because
22 I cannot get you all if you're
23 speaking at the same time, so please
24 respect the job that I have to do.
25 I could not even get the full

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1 F. FRANCOIS
2 question down, so here is what I have
3 on the record.
4 (Whereupon, the referred to
5 question was read back by the
6 Reporter.)
7 Q. And process a loan with Capital
8 One for a \$30,000 loan and give a car to
9 Emmanuel Laforest. None of that would have
10 happened if it wasn't for the dealership,
11 right?
12 A. Yeah, nothing --
13 MR. GOODMAN: Hold on a minute,
14 hold on a minute. I object to the
15 form of the question. It's an
16 outrageous question. It also calls
17 for a legal conclusion which is
18 completely inappropriate. So, this
19 is outrageous what we're doing right
20 now --
21 MR. KESHAVARZ: You can answer
22 it.
23 MR. GOODMAN: You took over the
24 deposition to ask a completely
25 objectionable question.

<p style="text-align: right;">Page 242</p> <p>1 F. FRANCOIS</p> <p>2 MR. KESHAVARZ: You can answer.</p> <p>3 MR. GOODMAN: It's outrageous.</p> <p>4 MR. KESHAVARZ: You can answer.</p> <p>5 A. If the dealership was not doing</p> <p>6 that and Capital One would not have all the</p> <p>7 \$30,000 money, I would continue with my</p> <p>8 life, the life I had before. I would never</p> <p>9 be stressed, never crying and never almost</p> <p>10 losing my job for that. That would never</p> <p>11 happen.</p> <p>12 Q. The last thing was we were</p> <p>13 talking about texts, you didn't know who</p> <p>14 the texts were coming from, correct?</p> <p>15 A. No. That's what I said early,</p> <p>16 I didn't know who texted me. It can be the</p> <p>17 dealership, it can be Emmanuel. I don't</p> <p>18 know who specifically was calling me,</p> <p>19 that's why I was afraid.</p> <p>20 MR. KESHAVARZ: All right,</p> <p>21 thank you.</p> <p>22 CONTINUED EXAMINATION BY</p> <p>23 MR. GOODMAN:</p> <p>24 Q. And, Ms. Francois, isn't it</p> <p>25 true that if Emmanuel Laforest had not</p>	<p style="text-align: right;">Page 244</p> <p>1 F. FRANCOIS</p> <p>2 Q. Yeah, okay. So, Emmanuel</p> <p>3 Laforest didn't have anything to do with</p> <p>4 it, correct? Is that your testimony?</p> <p>5 A. This is not what I say. This</p> <p>6 is not what I say. Because the dealership</p> <p>7 and Emmanuel is both the one who commit</p> <p>8 that. I'm not saying that Emmanuel was</p> <p>9 innocent, no, I will never say that. If I</p> <p>10 know he was innocent, I would not go to the</p> <p>11 police.</p> <p>12 Q. Okay, so, Ms. Francois --</p> <p>13 MR. KESHAVARZ: Wait, were you</p> <p>14 done?</p> <p>15 MR. GOODMAN: No, I'm not done,</p> <p>16 Ahmad.</p> <p>17 MR. KESHAVARZ: Ms. Francois,</p> <p>18 were you done with your answer?</p> <p>19 THE WITNESS: No, I was not</p> <p>20 done with my answer.</p> <p>21 MR. KESHAVARZ: Okay. Finish</p> <p>22 your answer, please.</p> <p>23 MR. GOODMAN: No, you were</p> <p>24 done.</p> <p>25 MR. KESHAVARZ: Finish your</p>
<p style="text-align: right;">Page 243</p> <p>1 F. FRANCOIS</p> <p>2 stolen your driver's license, had not gone</p> <p>3 to somebody to get your Social Security</p> <p>4 number, had not gone to the dealership and</p> <p>5 taken out a loan in your name, if Emmanuel</p> <p>6 Laforest hadn't done all of those things,</p> <p>7 you would have been able to live your life</p> <p>8 without crying and going in distress as you</p> <p>9 said; isn't that correct?</p> <p>10 A. Yeah, that was the question.</p> <p>11 If they didn't do all that, I would never</p> <p>12 have any stress, anything like that and my</p> <p>13 marriage would always continue, I would</p> <p>14 never have all those problem that I had.</p> <p>15 Q. Right, and that's because</p> <p>16 Emmanuel Laforest is a criminal, who stole</p> <p>17 your identity, right?</p> <p>18 A. Because of what the dealer and</p> <p>19 Emmanuel --</p> <p>20 Q. No, it wasn't because --</p> <p>21 MR. KESHAVARZ: Don't interrupt</p> <p>22 her.</p> <p>23 A. Because the dealer was the one</p> <p>24 who pulled up my credit. The dealer is the</p> <p>25 one who had access to Capital One.</p>	<p style="text-align: right;">Page 245</p> <p>1 F. FRANCOIS</p> <p>2 answer.</p> <p>3 MR. GOODMAN: Don't finish your</p> <p>4 answer. I have a question for you.</p> <p>5 MR. KESHAVARZ: No --</p> <p>6 A. I don't have access to finish</p> <p>7 my question? If you ask me a question and</p> <p>8 I'm not done, I don't have access to finish</p> <p>9 it? I think I have access. If you ask me</p> <p>10 a question, I have to answer you to give</p> <p>11 you the correct answer.</p> <p>12 Q. No. This is not your</p> <p>13 opportunity just to talk all you want about</p> <p>14 anything you want to talk about. This is</p> <p>15 about questions and answers. Okay?</p> <p>16 MR. KESHAVARZ: Finish your</p> <p>17 answer.</p> <p>18 A. So, then you're asking me</p> <p>19 question without answer.</p> <p>20 Q. I'm asking you if you</p> <p>21 understand you're under oath in this --</p> <p>22 A. Yeah, that's why I want to give</p> <p>23 specific what happened, because I remember</p> <p>24 everything here, in my head, of what</p> <p>25 happened to me and who did that and all</p>

<p style="text-align: right;">Page 246</p> <p>1 F. FRANCOIS</p> <p>2 those things was stressing me and all those</p> <p>3 things make me crying and leaving my house,</p> <p>4 leaving my relationship, my marriage.</p> <p>5 Q. Okay. And so, I'm asking you</p> <p>6 if you're comfortable, if you're okay,</p> <p>7 under oath, changing the testimony that you</p> <p>8 gave previously when your attorney asked</p> <p>9 you leading questions to change your</p> <p>10 testimony? Are you okay with that?</p> <p>11 MR. KESHAVARZ: Wait, that's</p> <p>12 not a question.</p> <p>13 MR. GOODMAN: No, that is a</p> <p>14 question.</p> <p>15 MR. KESHAVARZ: What's your</p> <p>16 answer.</p> <p>17 Q. What's your answer,</p> <p>18 Ms. Francois? Are you okay with that?</p> <p>19 A. No, my lawyer never asked me</p> <p>20 that. My lawyer never asked me that.</p> <p>21 Which is what I've been saying since this</p> <p>22 morning, when you were telling me why I did</p> <p>23 not sue Emmanuel. I say Emmanuel and the</p> <p>24 dealer, the dealer who is the most person</p> <p>25 who affect me because they are the one who</p>	<p style="text-align: right;">Page 248</p> <p>1 F. FRANCOIS</p> <p>2 Ms. Reporter. We don't need to hear</p> <p>3 anymore of this.</p> <p>4 MR. KESHAVARZ: We reserve the</p> <p>5 right to review and revise. Just</p> <p>6 e-mail the transcript to me at my</p> <p>7 e-mail address. All I need is an</p> <p>8 E-trans.</p> <p>9 THE COURT REPORTER: Okay,</p> <p>10 thank you.</p> <p>11 And Nicholas, are you ordering</p> <p>12 a copy of the transcript?</p> <p>13 MR. GOODMAN: Yes, I am.</p> <p>14 THE COURT REPORTER: All right.</p> <p>15 Thank you.</p> <p>16 (Whereupon, at 5:10 P.M., the</p> <p>17 Examination of this Witness was</p> <p>18 concluded.)</p> <p>19</p> <p>20 o o o o</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 247</p> <p>1 F. FRANCOIS</p> <p>2 checking my information because they</p> <p>3 couldn't check Emmanuel, none of that would</p> <p>4 have happened. They didn't check Emmanuel,</p> <p>5 they check the information and they sitting</p> <p>6 with Emmanuel and give him form and filling</p> <p>7 all those paper and sign that means it's me</p> <p>8 sign, which is that they are the one and</p> <p>9 Emmanuel caused me all that stressed.</p> <p>10 Q. Emmanuel caused you all that</p> <p>11 stress, right?</p> <p>12 A. No, I said the dealer. If you</p> <p>13 listen to what I'm saying, the dealer and</p> <p>14 Emmanuel, because the dealer, he's the one</p> <p>15 who let Emmanuel do that. Because if I</p> <p>16 come to you and ask you for something, you</p> <p>17 reject me, that will never happen.</p> <p>18 MR. GOODMAN: Move to strike</p> <p>19 the nonresponsive portion. I'm done.</p> <p>20 Let's close this out. This is just</p> <p>21 outrageous. This is silly. I'm</p> <p>22 finished. Let's close the</p> <p>23 deposition.</p> <p>24 MR. KESHAVARZ: Thank you.</p> <p>25 MR. GOODMAN: Thank you,</p>	<p style="text-align: right;">Page 249</p> <p>1 F. FRANCOIS</p> <p>2 D E C L A R A T I O N</p> <p>3</p> <p>4 I hereby certify that having been</p> <p>5 first duly sworn to testify to the truth, I</p> <p>6 gave the above testimony.</p> <p>7</p> <p>8 I FURTHER CERTIFY that the foregoing</p> <p>9 transcript is a true and correct transcript</p> <p>10 of the testimony given by me at the time</p> <p>11 and place specified hereinbefore.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">FARAH JEAN FRANCOIS</p> <p>Subscribed and sworn to before me</p> <p>this ____ day of _____ 20 ____.</p> <p style="text-align: center;">NOTARY PUBLIC</p>

<p style="text-align: right;">Page 250</p> <p>1 F. FRANCOIS 2 E X H I B I T S 3 4 DEFENDANT'S EXHIBITS: 5 6 EXHIBIT EXHIBIT PAGE 7 LETTER DESCRIPTION 8 Exh A Capital One Fraud Submission 125 9 Exh B Plaintiff's Experian 10 Report dated 6/11/21 169 11 Exh C TransUnion Personal Report dated 5/12/22 197 12 Exh D Equifax Credit Report 203 13 Exh E Penfed Credit Union 14 Adverse Action Form dated 6/29/22 205 15 Exh F Mercedes-Benz Financial 16 Services, Notice Of Action Taken And 17 Statement Of Reasons, dated 6/14/22 212 18 19 (Exhibits retained by Counsel.) 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 252</p> <p>1 F. FRANCOIS 2 INFORMATION AND/OR DOCUMENTS REQUESTED 3 INFORMATION AND/OR DOCUMENTS PAGE 4 Production of the credit report from May of 2020 or prior to 5 May 30th of 2020 that the Witness says will show everything about 6 what her credit score was and how it came down 176 7 Production of picture showing 8 weight loss 226 9 Space provided for name of doctor 227, 228 10 Authorization for records from 11 doctor that would corroborate weight loss and what Plaintiff 12 told the doctor 227, 228 13 14 QUESTIONS MARKED FOR RULINGS 15 PAGE LINE QUESTION 16 (None) 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 251</p> <p>1 F. FRANCOIS 2 I N D E X 3 4 EXAMINATION BY PAGE 5 MR. GOODMAN 4, 242 6 MR. KESHAVARZ 238 7 8 9 INFORMATION AND/OR DOCUMENTS REQUESTED 10 INFORMATION AND/OR DOCUMENTS PAGE 11 Production of the papers that were given to Farah Francois 12 on the date that she was at the dealership 120 13 Production of photo that was 14 taken at the dealership 123 15 Preservation and production of papers received from collection 16 agencies concerning violations on the BMW 148 17 Production of any documents, 18 documentation concerning the Plaintiff's credit score prior 19 to 5/30/2020 and, most specifically, a credit score 20 of 780 169 21 22 (Continued on the following page.) 23 24 25</p>	<p style="text-align: right;">Page 253</p> <p>1 F. FRANCOIS 2 C E R T I F I C A T E 3 4 STATE OF NEW YORK) : SS.: 5 COUNTY OF ORANGE) 6 7 I, VICTORIA CHUMAS, (pages 1-108, 8 253), a Notary Public for and within the 9 State of New York, do hereby certify: 10 That the witness whose examination is 11 hereinbefore set forth was duly sworn and 12 that such examination is a true record of 13 the testimony given by that witness. 14 I further certify that I am not 15 related to any of the parties to this 16 action by blood or by marriage and that I 17 am in no way interested in the outcome of 18 this matter. 19 IN WITNESS WHEREOF, I have hereunto 20 set my hand this 10th day of January 2023. 21 22  23 VICTORIA CHUMAS 24 25</p>

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1 F. FRANCOIS
2 C E R T I F I C A T E

3
4 STATE OF NEW YORK)
5 : SS.:
6 COUNTY OF ORANGE)

7 I, SOPHIA TORIBIO, (pages 109-252,
8 254), a Notary Public for and within the
9 State of New York, do hereby certify:

10 That the witness whose examination is
11 hereinbefore set forth was duly sworn and
12 that such examination is a true record of
13 the testimony given by that witness.

14 I further certify that I am not
15 related to any of the parties to this
16 action by blood or by marriage and that I
17 am in no way interested in the outcome of
18 this matter.

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 10th day of January 2023.

21 
22
23 SOPHIA TORIBIO

24
25

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1 ERRATA SHEET
2 VERITEXT/NEW YORK REPORTING, LLC

3 CASE NAME: Francois, Farah Jean v. Victory Auto Group LLC
4 DATE OF DEPOSITION: 11/22/2022
5 WITNESSES' NAME: Farah Jean Francois

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21 Farah Jean Francois
22 SUBSCRIBED AND SWORN TO BEFORE ME
23 THIS ____ DAY OF _____, 20__.

24
25 (NOTARY PUBLIC) MY COMMISSION EXPIRES:

65 (Pages 254 - 255)